



Mine Action Obligations in Ceasefires & Peace Accords

A survey of past implementation

Yeshua Moser-Puangsuwan

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Cover: On 8 December 2006 Ian Martin, then Personal Representative of the Secretary-General, witnessed the signing of the Agreement on the Monitoring of Arms and Armies, setting the ground-rules for UN monitoring of the Nepal Army and the Maoist army.

UN Photo / Sagar Shrestha

Back Cover: A detonated IED belches a thick cloud of smoke along with tiny sharp fragments of the destroyed explosives near the Maoist army cantonment site in Chulachuli, Ilam in September 2007.

UN Photo / Grant Milthorpe

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Background and Methodology

Antipersonnel landmines have been used extensively in interstate and civil wars, and their legacy remains long after peace accords have been signed.¹ Antipersonnel mines have the unique ability to carry the war into peace time. It should be a priority to remove mines to fully establish peace. Especially when their presence presents an obstacle to post war resettlement and development.

This report sets out to determine if a ceasefire, peace accord or a linked implementation protocol, concluded after 1980,² and which contained references to mines laid during a conflict, assisted in their post-conflict removal of mines, or halting their use. Although many countries are mine affected, only some of them had armed conflicts which ended with an agreement, and only some of those mentioned obligations regarding mines.

Mine Affected Countries

Rarely is a country mine affected without a war. However, there are other causes of mine pollution for a country, and these include spill over of an armed conflict from a neighboring country and mines laid in preparation for a war that did not occur.³

An initial list of 80 countries known to have conflict related mine contamination was compiled from a survey of the country reports in the Landmine Monitor (see Chart 1).⁴

43 countries developed mine contamination during an internal armed conflict. 28 countries experienced mine contamination as a result of international armed conflict. Nine countries were contaminated by mines which spilled over from a neighboring countries armed conflict.⁵ Five countries laid mines preparing for an armed conflict which did not take place.⁶ Eight countries had mine contamination persisting from the Second World War.⁷ Some countries had a combination of the above conditions.

The cause of a countries contamination determined whether it was likely that an agreement for cessation of a conflict existed. For those countries whose mine contamination remained from the Second World War, or which spilled over from a neighboring countries armed conflict or due to preparation for a war that didn't take place, no agreement would exist and they were removed from further consideration in this survey.⁸

1 In Egypt and Libya, as well as some parts of Europe mines laid during the Second World War are causing casualties a half decade later - Anti-personnel Landmines. Friend or foe?, International Committee of the Red Cross, Geneva 1996. p.10.

2 Armed conflict, particularly intrastate ones, peaked in the late 1980s to early 1990s, and the start date of 1980 was picked to capture these. [source: Human Security Report 2005, Human Security Centre, Oxford University Press, 2005, p. 23.]

3 There have been cases of mines being used by criminal organizations for resource control or to protect trafficking routes for the movement of drugs or environmental and mineral contraband. These however have never resulted in either widespread pollution, and usually take place in a situation where landmines have already been introduced as a part of an armed conflict.

4 Angola, Afghanistan, Albania, Algeria, Armenia, Azerbaijan, Belarus, Bosnia-Herzegovina, Burma, Burundi, Cambodia, Chad, Chile, China, Colombia, Congo, DR, Congo Republic of, Croatia, Cyprus, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Georgia, Greece, Guatemala, Guinea Bissau, India, Iran, Iraq, Israel, Jordan, Korea, North, Korea, South, Kuwait, Kyrgyzstan, Laos, Latvia, Lebanon, Libya, Macedonia, Malawi, Mauritania, Moldova, Montenegro, Morocco, Mozambique, Namibia, Nepal, Nicaragua, Niger, Oman, Pakistan, Peru, the Philippines, Poland, Russia, Rwanda, Senegal, Serbia, Somalia, Sri Lanka, Sudan, Syria, Tajikistan, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, Uzbekistan, Venezuela, Vietnam, Yemen, Zambia and Zimbabwe

5 Albania, Republic of Congo, Kyrgyzstan, Macedonia, Malawi, Thailand, Tunisia, Venezuela and Zambia

6 Chile, China, Greece, Uzbekistan and Venezuela

7 Algeria, Belarus, Denmark, Egypt, Latvia, Poland, Russia and Ukraine

8 China and Vietnam laid landmines on their common border during the border war of 1979. No known agreement could be found between the two countries. The 1973 Paris Accords with the US did require mine clearance by the parties. The UK has landmine contamination on its Falkland Islands as a result of the conflict in 1982, which ended without an agreement when Argentina unilaterally surrendered. Zimbabwe's mine contamination results

Chart 1 Mine contaminated countries according to conflict type.⁹

Countries with landmine contamination	Civil War	Interstate War	Countries with landmine contamination	Civil War	Interstate War	Countries with landmine contamination	Civil War	Interstate War	Countries with landmine contamination	Civil War	Interstate War	
Angola			Georgia			Nepal			Vietnam			
Afghanistan			Guatemala			Nicaragua			Yemen			
Algeria		WWII	Guinea			Niger			Zimbabwe			
			Bissau									
Armenia			India			Oman			Albania		S	
Azerbaijan			Iran			Pakistan			Congo, Rep.		S	
Bosnia- Herzegovina			Iraq			Peru			Kyrgyzstan		S	
Burma			Israel			Philippines			Macedonia		S	
Burundi			Jordan			Russia		WWII	Malawi		S	
Cambodia			Korea,			Rwanda			Thailand		S	
Chad			Korea,			Senegal			Tunisia		S	
China			Kuwait			Serbia			Venezuela		S,P	
Colombia			Laos			Somalia			Zambia		S	
Congo, DR			Lebanon			Sri Lanka			Belarus		WWII	
Croatia			Libya			Sudan			Denmark		WWII	
Cyprus			Mauritania			Syria			Egypt		WWII	
Djibouti			Moldova			Tajikistan			Latvia		WWII	
Ecuador			Montenegro			Turkey			Poland		WWII	
El Salvador			Morocco			Uganda			Ukraine		WWII	
Eritrea			Mozambique			UK			Chile		P	
Ethiopia			Namibia			Uzbekistan			Greece		P	
S = mine contamination due to spill over from another states armed conflict, P = prepration for an armed conflict which did not occur, WWII = Second World War contamination												

A few international armed conflicts in which mines were used, were excluded from this survey because mine action was not included in a final agreement (example Ecuador and Peru, 1995 Ceasefire; Iraq-Kuwait, 1991 Ceasefire; Israel-Jordan, 1994 Peace Treaty), or because an agreement in which mine use or mine action were mentioned was not within the period of review (India-Pakistan 1949 Ceasefire; U.S.-Vietnam 1973 Peace Accord) or because copies of the agreements are not publicly available (Armenia-Azerbaijan 1994 Ceasefire; India-Pakistan 2003 Ceasefire) or for other reasons.¹⁰

from the Rhodesian civil war, ended in 1979. Oman's communist back insurgency was defeated in 1975. North and South Korea live with a ceasefire which commenced in 1953, and one of the world's largest, maintained, mine fields separating them. Burma's conflict is ongoing although a few armed groups have concluded non-hostility pacts with the ruling military junta, none include any consideration of mine contamination. Removal of mines by the parties in Cyprus were mobilized under Turkish and Greek national responsibility once they had signed the Mine Ban Treaty in 2004, not before.

⁹ Determination was based on the source of landmine contamination specified and documented within the specific chapter on that country within the Landmine Monitor reports. Landmine Monitor has been printed annually since 1999. It is available online at www.icbl.org/lm, however this report utilized CDROM copies. Some liberties were taken in determining if a war was of international character, for example Laos, which is classified as an international armed conflict since mines only began being used once other states became involved.

¹⁰ Mauritania unilaterally withdrew from armed conflict in Western Sahara in 1979; Israel-Syria, 1973, Ceasefire

Regarding internal armed conflict in which mines were used, some were excluded when there was no mention of mine action obligations within any agreement between the combatants (Yemen 1994) or because the conflict ended outside the period of review (Northern Rhodesia, 1979); or which ended without an agreement (Thailand 1987, Uzbekistan 2001); or because agreement texts could not be found (Republic of Congo 1997).

There are some countries where mine use was a part of armed conflict in both an intrastate war and internal armed conflict, however none were found to fall under both categories within this survey. This may have been because there was no agreement (or none could be found) which mentioned mine action obligations for one or both conflicts. Examples include Chad, in which mines were used in its territorial war with Libya, but also in its internal armed conflicts with many insurgent groups. Copies of the agreements which Chad concluded with some armed groups are not publicly available. In Peru, mines were used in its border conflict with Ecuador and to combat the Shining Path insurgency. The agreement between Ecuador and Peru does not contain any obligations for mine action, and armed conflict with the Shining Path has reignited.

Rwanda, Uganda, Liberia and Sierra Leone, all of which had agreements mentioning obligations for mine action, however were excluded for the following reasons. Rwanda's Arusha Peace Accords were negotiated to bring an end to the insurgency by the Rwandese Armed Forces (RPF) against the Government of Rwanda. The Accords required mine action obligations, however the RPF successfully pushed the former government forces out of the country making this agreement redundant. Uganda has some very limited obligations related to provision of information on mined areas in a February 2008 Implementation Protocol. That protocol is a part of a comprehensive peace agreement which, as of late 2009, is yet to be concluded, and not in force. In both Liberia and Sierra Leone obligations for mine action existed within their peace agreements, however it was subsequently discovered that neither country had any mine contamination.

In addition to formally recognized states this survey also covers agreements related to cessation of conflict in eight unrecognized states: Abkhazia, Chechnya, Kosovo, Nagorno-Karabakh, Palestine, Somaliland, Taiwan and Western Sahara, all of which have mine contamination from armed conflict. Abkhazia, Kosovo and Western Sahara met the conditions to be included within this survey in combination with a recognized state- Abkhazia in its war of separation with Georgia, Western Sahara in its war with Morocco, and Kosovo as a civil war in Serbia (then the Federal Republic of Yugoslavia).

Peace Accords

There are few accessible repositories of peace agreements. The United Nations online database of Peace Agreements,¹¹ The *United States Institute of Peace* online Library of Peace Agreements,¹² An academic collection at the *University of Ulster*,¹³ and a smaller one at the nongovernmental organization *Conciliation Resources*,¹⁴

None of these sources are comprehensive, the United Nations collection, the most

has no mention of mine use or mine action, Laos was not included in the mine action section of the 1973 Paris Accords.

11 Accessible electronically at peacemaker.unlb.org/, this site requires creating an account. It contains those documents which have been submitted to it by member states only. The database allows for search by country, region, issue/conflict, type of agreement, and some thematic issues.

12 Accessible electronically at www.usip.org/, this site contains documents on 48 conflicts, mostly those with which US foreign policy has, or has had, an interest.

13 Accessible electronically at www.incore.ulst.ac.uk/, this site is with the International Conflict Research project (INCORE) between the United Nations University and the University of Ulster. The Agreement archive has apparently been discontinued as there are no agreements later than 1999 included. The collection is eclectic, but contains some texts unavailable elsewhere.

14 Accessible electronically at www.c-r.org/, this site contains those documents which are related to the ACCORD series of Conciliation Resources which provides in-depth analysis of 18 countries/areas (as of early 2008).

extensive, but is limited to what member governments send to it. The next most extensive collection is the United States Institute of Peace online Library of Peace Agreements, which has a collection of documents on 49 countries, but is not comprehensive and apparently limited to those which US foreign policy has an interest in. Smaller, but far more comprehensive for the countries it covers is the Peace Agreements Collection maintained by the nongovernmental organization Conciliation Resources. This collection is however limited to the 17 countries and situations on which they have projects. A less comprehensive collection containing documents on 18 countries was maintained by INCORE (International Conflict Research), a joint project of the United Nations University and the University of Ulster. However no documents subsequent to 1999 have been added to the collection when maintenance apparently halted.

It is surprisingly difficult to obtain some peace agreement texts. For example, the 1973 Paris Accords which brought a formal end to the war between the United States and Vietnam, with sections covering Cambodia and Laos does not exist on either the collection maintained by the US Institute for Peace or the UN. It was eventually discovered by the author at a Southeast Asia specific collection at a university in the mid-west of the United States.

A database of two hundred and thirty two documents, associated to the 52 countries identified was compiled, which were either ceasefire declarations, peace accords, implementation or military agreements or other bilateral agreements (see Definitions). All were obtained in electronic format, or scanned. For documents only available in a non-English original, an unofficial translation was obtained by the author. All were then keyword searched after which a full reading was done to determine if restrictions on mine use or mine action obligations were included.

This process significantly reduced the number of countries suitable for this survey. Only ten countries, involved in five international armed conflicts, and 15 countries which had internal armed conflicts produced bi-lateral agreements containing obligations for mine action or which required a halt of new mine use.

UN Guidelines for Mine Action in Ceasefires & Peace Accords

The United Nations Mine Action Service (UNMAS) is responsible for coordinating all aspects of mine action within the UN system and providing mine action assistance in UN humanitarian aid activities and during UN peacekeeping operations.¹⁵

In 2003, UNMAS produced a three page document titled *Mine Action Guidelines for Ceasefires and Peace Accords*. This document is endorsed by 12 UN agencies and noted that “Too often in the past, essential mine-related issues have either not been addressed at all within ceasefire agreements or peace accords or addressed too late and inadequately.” It recommends seven areas which should be addressed in ceasefire and peace agreements.¹⁶

1. *The exchange of technical information between all former parties to the conflict*
(parties should commit to exchange of technical information required for the identification, location, marking and clearance of mines and minefields; recommending that the parties designate the United Nations or other intermediary to receive the information and facilitate the exchange)
2. *The marking of minefields and the eventual clearance of mines and UXO*
(parties should commit to actively identify and mark mined areas and subsequently engage in clearance with realistic responsibilities and timeline)
3. *Mine Risk Education*

¹⁵ UNMAS was launched in October 1997. [source: ‘Landmines: The World Takes Action’ CDROM produced by United Nations Mine Action Service, NY, 2002.

¹⁶ The 2003 Mine Action Guidelines for Ceasefires and Peace Accords has been endorsed by the Inter Agency Coordination Group on Mine Action (IACG-MA), which comprises the following UN bodies, DPKO, DDA, OCHA, FAO, OHCHR, UNDP, UNHCHR, UNHCR, UNICEF, UNOPS, WFP, WHO, and the World Bank.

- (parties should commit to identify people at risk so that injuries and deaths can be reduced or prevented)
4. *Victim Assistance*
(parties should commit to the provision of care and rehabilitation for mine victims)
 5. *Eliminating the use, production, transfer and stockpiling of mines*
(parties should commit to immediately stopping use, production and transfer of mines, governments should join the Mine Ban Treaty)
 6. *Stockpile destruction*
(parties should commit to the total destruction of remaining stockpiles of landmines under their control and a deadline for this should be contained within the peace accord)
 7. *International cooperation and coordination*
(parties should commit to inviting international cooperation in mine action and request international assistance through the UN or other organizations)¹⁷

These recommendations were used as a benchmark to determine how well a particular agreement cover within this survey was able to identify existing mine action needs.

To assess how well any mine action obligations within each agreement was implemented, this report relied on subsequent reporting by the Landmine Monitor, information collected from public reports by the government, such as an Article 7 Transparency Report if it was a Party to the Mine Ban Treaty, an Article 13 report if it was a Party to the Convention on Conventional Weapons, and by direct and distance interviews with actors involved in the countries under consideration in this survey.

¹⁷ These seven areas for action are taken directly from the UNMAS Mine Action Guidelines for Ceasefires and Peace Accords, the subsequent information about the seven recommended areas added in parenthesis under each point is summarized by the author.

International Armed Conflict

Only five international armed conflicts, in which mines were used, and which produced a ceasefire or a final peace accord, form the first group of countries within this survey. These include Chad and Libya (1989, Framework Agreement); Ethiopia and Eritrea (2000, Comprehensive Peace Agreement); Iran-Iraq (1987, Ceasefire). Included in this section is the conflicts between Morocco and the Saharawi Arab Democratic Republic (1988, Ceasefire), and Georgia and Abkhazia (1994, Ceasefire), although the later in both cases are not universally recognized entities.¹⁸

Chad - Libya

Libya's 1973 invasion and occupation of some northern areas of the country started the war between the two countries. African Union intervention facilitated Chad and Libya to agree to end the conflict in 1989, and pledge to adjudication of the dispute. They subsequently referred their territorial dispute to the International Court of Justice (ICJ) whose 1994 judgment required a Libyan withdrawal and the creation of joint mine clearance teams to carry out specified mine clearance to be completed by a certain time.¹⁹ The original peace agreement did not require a halt in mine use or mine action. It was only the subsequent, linked, judgment by the ICJ.

Some mines were cleared by joint clearance teams as required by the ICJ judgment.²⁰ However, joint clearance teams functioned only for a short period of time and halted work prior to complete clearance, falling short of the requirements of the judgment. The judgement contained no penalties for noncompliance. According to a 2001 National Landmine Impact Survey in Chad, the north of the country, near the border with Libya, remains the most heavily mine contaminated area of the country, producing the most mine victims.²¹

The obligations in the ICJ judgment required only cooperation on clearance. This was far less than UNMAS recommendations. The ICJ judgment did not require any clearance on the Libyan side of the border, which is reported to remain mine contaminated.²² In the case of Libya and Chad, the peace process had no impact on the reduction of the post conflict mine contamination, and only a marginal one, which was not sustained, in the case of the ICJ judgment.

Eritrea - Ethiopia

Eritrea and Ethiopia commenced war over the extent of their shared border mid-1998. The border had remained poorly demarcated after Eritrean independence from Ethiopia in 1993. African Union intervention facilitated an eventual agreement by Eritrea and Ethiopia to end the conflict in mid-2000. Prior to the ceasefire, the parties agreed to a Framework Agreement in 1999, followed by a Cessation of Hostilities in June 2000, and

18 The Saharawi Arab Democratic Republic (SADR) is a full member of the African Union and is formally recognized by approximately 80 states. The conflict between the SADR and Morocco did not take place on territory formally recognized to be a part of Morocco, therefore the author has included it as an intrastate conflict.

19 Agreement between the Great Socialist People's Libyan Arab Jamahiriya and the Republic of Chad concerning the practical modalities for the implementation of the Judgment delivered by the International Court of Justice, Article 2. The two Parties have agreed as follows: (a) To establish a joint team of 40 (forty) experts in mine disposal, composed of 20 (twenty) men from each side. The size of the team may be increased should the volume of work so require. This team shall begin work on 15 April 1994. (b) The mine disposal operations shall be focused on the main roads leading to the Aouzou administrative post and the areas around the wells and shall be completed within the term set for the withdrawal. (c) The main roads on which mine disposal and clearance is to be carried out shall be the following: 1) Aouzou - Moska - Omchi - Yebbi Bou 2) Aouzou - Treni - Bardai 3) the caravan route leading to the Ermi wells. (d)(i) The mine disposal operations shall continue until 30 May 1994, with a view to the complete removal of mines, the neutralization of hazardous objects and mechanisms and the disinfection of wells. (ii) In the other regions, the terms and modalities of these operations shall be defined within the framework of bilateral cooperation.

20 Landmine Monitor Report 1999, p. 142.

21 Landmine Impact Survey, Republic of Chad, Survey Action Center, 2001. www.sac-na.org

22 Landmine Monitor Report 2007, p. 918.

then a Comprehensive Peace Agreement in December 2000.

The Framework Agreement contained a specific section on demining with obligations which required the parties to exchange technical information, produce a plan for marking mined areas and for clearing them, a plan for the disposal of removed mines, required the parties to provide information in a manner which allowed verification of these activities and for international cooperation in these activities.²³ The Cessation of Hostilities contained a requirement to commence demining and requested United Nations assistance in mine action. The clearance was framed as support for peace building activities, specifically to support the demarcation of the border, which was the cause of the war, to support the Peacekeeping mission and to support the safe return of war displaced people and civil administration.²⁴ There was no mention of mine action within the Comprehensive Peace Agreement and a prohibition on new use of antipersonnel mines was not a part of the Cessation of Hostilities agreement.

The Framework and Cessation of Hostilities Agreements contained the UNMAS recommended obligations of marking and clearance of mines, exchange of technical information, and a request for international cooperation and coordination. The agreement framed mine action as peacebuilding. It failed to explicitly requiring a ban on use, the elimination of stockpiles and did not contain an obligation to provide Risk Education or provision of victim assistance. Both countries cooperated in providing information to UNMEE as required, and UNMEE coordinated mine action within a specified Temporary Security Zone separating Eritrea and Ethiopia.²⁵

Both Eritrea and Ethiopia had pre-existing Mine Action authorities and active demining programs which had international support.²⁶ Under the Mine Action Coordination Center, set up by UNMEE in 2001, demining activities, risk education and victim assistance took place.²⁷ National Mine Impact Surveys were launched in 2001 and completed in 2004 in both Eritrea and Ethiopia. Both countries cooperated by providing information on mined areas to the Survey.²⁸ The Surveys received information from the National Forces, who cooperated with the activity, at least to some extent.²⁹ The obligations and requests for international assistance contained within the Framework and Ceasefire prioritized mine action activity by their existing mine action authorities. Political will and cooperation on both sides was high, although the border dispute remains unresolved.³⁰ Despite lacking some of the UNMAS recommended obligations within

23 Annex 1 to the Technical Arrangements for the Implementation of the OAU Framework Agreement and its Modalities, (Demining Activities). Demining activities include submission of the following to the peacekeeping mission: - maps detailing dimension and exact location of all minefields, - exact composition by type of mines and number of mines for each minefield; - plan for clearing of all minefields; - plan for marking minefields; - plan for disposal of cleared mines,- any other information needed for verification. Peacekeeping mission will observe, verify and assist if necessary all demining activities.

24 Agreement on Cessation of Hostilities between the Government of the Federal Democratic Republic of Ethiopia and the Government of the State of Eritrea 8. Upon the signing of the present document, both Parties shall conduct demining activities as soon as possible with a view to creating the conditions necessary for the deployment of the Peacekeeping Mission, the return of civilian administration and the return of the population as well as the delimitation and demarcation of their common border. The Peacekeeping Mission, in conjunction with the United Nations Mine Action Service, shall assist the Parties' demining efforts by providing technical advice and coordination. The Parties shall, as necessary, seek additional demining assistance from the Peacekeeping Mission.

25 Interview with Mike Kendellen, former Director for Survey, Survey Action Center, 12 June 2008.

26 Eritrea established a National Demining Headquarters and a Demining Training Center. Both received support from the United States. A demining program had been removing mines remaining from the 1973 – 1991 war of independence with Ethiopia. Landmine Monitor Report 1999, pp. 190-1. also the Ethiopia Demining Project was run by the Ethiopian Ministry of Defense with support from the United States. Ethiopia had widespread mine contamination from an insurgency from the Tigre region in the north, and an invasion from Somalia in 1977-8. Landmine Monitor Report 1999, pp. 145-8.

27 Landmine Monitor Report 2001, p. 207.

28 Landmine Impact Survey for Eritrea, Landmine Impact Survey for Ethiopia, Survey Action Center, www.sac-na.org

29 Interview with Mike Kendellen, former Director for Survey, Survey Action Center, 12 June 2008.

30 "Special report of the Secretary-General on the United Nations Mission in Ethiopia and Eritrea ", United Nations, S/2008/226, 7 April 2008.

their agreements both Parties cooperated well on mine action activities specified under the peace agreement, and shortly thereafter joined the Mine Ban Treaty and subsequently destroying their remaining stockpiles of mines.

Iran - Iraq

An eight year war between Iran and Iraq resulted in extensive minefields along their common borders. A ceasefire was negotiated by the United Nations Secretary General with the backing of the Security Council in 1987.

The only available public document relating to this ceasefire is the Security Council Resolution 598 of 1987. A copy of the actual ceasefire terms or military agreement is not publicly available. However, according to a UN produced summary of the United Nations Iran Iraq Military Observers Group (UNIIMOG) it is possible to infer some points of this agreement. The UNIIMOG summary reports a violation to the ceasefire involving the laying of mines within the zone of separation. From this statement it seems safe to assume that the Iran-Iraq ceasefire contained a stipulation against new use of landmines, at least in the zone of separation. The UNIIMOG summary reports that there was an agreement between the parties on the exchange of information on unmarked minefields, and notes that exchange of information on minefields took place, and continued after the outbreak of the Persian Gulf War in 1991. However the outbreak of the Persian Gulf war led to a slow down, and then halt, in mine clearance.³¹

The above information indicates that possibly four UNMAS recommended areas were included in a military agreement between UNIIMOG and Iran and Iraq: a prohibition, possibly limited, on use, and some level of cooperation on exchange of information, clearance and international cooperation. However, mine action activity under this agreement halted, at least on the Iraq side. The UNIIMOG mission terminated shortly after the outbreak of the 1991 Gulf War. Iranian mine clearance efforts continued and in 2002 UNDP helped set up a national mine action center.³² In February 2007, the Iranian Defense Ministry claimed the 12,800 square kilometers of land from the Persian Gulf to the Turkish border remain mine contaminated from the war.³³

In the case of Iran and Iraq, the ceasefire, and international cooperation, appeared to make a significant start in a cooperative effort to remove mines from the war, but which was not sustained due to changed circumstances for Iraq.

Morocco - Western Sahara

From 1975 to 1991 Morocco and the Popular Front for the Liberation of Saguia el Hamra and Rio de Oro (POLISARIO) waged war for control of Western Sahara. Prior to 1975, Western Sahara was a colony of Spain and conflict started during de-colonization. POLISARIO is the militia of the Saharawi Arab Democratic Republic (SADR), which is a full member of the African Union, but is not a universally recognized state.

Sand berms hundreds of miles long, flanked with antipersonnel mines, were constructed by Moroccan forces to surround and contain POLISARIO. POLISARIO engaged in more limited mine warfare.³⁴ In 1991 a ceasefire was negotiated which mandated the presence of a the United Nations Mission for the Referendum in Western Sahara (MINURSO).³⁵

In March of 1999 MINURSO negotiated a military agreement covering mines and other explosive hazards. The agreements were negotiated between MINURSO and

³¹ "Iran-Iraq-UNIIMOG Background" United Nations, [undated] www.un.org/Depts/dpko/dpko/co_mission/uniimogbackgr.html

³² Landmine Monitor Report 2004, pp. 987-9.

³³ Landmine Monitor Report 2007, p. 846.

³⁴ Landmine Monitor Report 1999, p. 922.

³⁵ United Nations, Mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO), <http://www.un.org/Depts/dpko/missions/minurso/mandate.html>

Morocco, and MINURSO and POLISARIO, separately, but in parallel, and with the same requirements. The military agreement calls for the systematic exchange of information on the location of explosive hazards, the reporting of all incidents involving explosive hazards, allowance for MINURSO to mark explosive hazards or dangerous areas, and for the parties to remove the hazard once it is reported to them. The agreement allows observation of the clearance and destruction by MINURSO.³⁶

The original ceasefire agreement makes no mention of a halt in mine use or mine action obligations. The 1999 military agreements do meet some of the UNMAS recommendations, but not fully. It allows for limited exchange of technical information, marking and clearance.

Participation in the military agreement is voluntary. Cleverly, MINURSO negotiated separate, simultaneous, identical agreements, with the conflicting parties. This creative action side stepped the difficulties of requesting the parties to come to a bilateral agreement while still obtaining their participation in the desired activity. MINURSO has pursued this activity with each side, and expanded beyond the original agreement. In 2006 MINURSO, together with UNMAS, arranged for an international NGO to do capacity building with the SADR, so that it could conduct a landmine impact survey of the area of Western Sahara under SADR control.³⁷ MINURSO has promoted Risk Education activities on both sides of the Berm.³⁸ Some former POLISARIO combatants are now involved in mine clearance.³⁹ As of 2007, the Moroccan Army has launched a major mine clearance program on the Berm.⁴⁰ Cooperation or provision of information on hazardous areas was reported as satisfactory by MINURASO.⁴¹

The dispute over future governance of Western Sahara remains unresolved. Obligations within the military agreements have been actively pursued and political will and cooperation by both sides to undertake mine clearance activities has increased. The Military Agreement was successful in launching mine action through creative third party encouragement.

Georgia - Abkhazia

This conflict does not easily fit as either an international or internal armed conflict. As of 2008 Abkhazia is only recognized by two states. After Georgia declared itself independent of the Soviet Union in 1991, a dispute over the status of Abkhazia degenerated into open war in 1992. Georgian forces withdrew from the territory in 1993 with some additional conflict until a May 1994 ceasefire. Mines were laid by Georgian forces in Ochamchira and Sukhumi districts while Abkhaz forces laid mines in the Gali District, and some sporadic mine laying by militias took place post 1994.⁴² No peace agreement has been reached and the ceasefire contained no obligations for mine action or a halt in mine use.

Subsequent coordination meetings between the two sides in the mid-90s denounced

36 [Original in French, unofficial translation by author] Military Agreement No3 on the Reduction of the Dangers of mines and UXO 19 March 1999. The parties agree that the Moroccan Army and MINURSO will engage in systematic exchange of information, that the Moroccan Army will advise MINURSO of all incidents caused by mines or UXO, that when UN observers encounter a mine or UXO they will mark the site and inform both the nearest Moroccan Army detachment as well as the UN Force office, that the Moroccan Army will then destroy the item as quickly as possible as well as conduct a search of the near vicinity, and that the Moroccan Army will report this destruction to the UN. An identical agreement was concluded between MINURSO and POLISARIO.

37 Landmine Monitor Report 2006, p. 1197.

38 Landmine Monitor Report 2007, p. 1099.

39 Landmine Action UK, Western Sahara 2007 Activities Report, April 2008, p. 3.

40 Report to the Secretary General on the Situation in Western Sahara, 14 April 2008, para 28.

41 Report to the Secretary General on the Situation in Western Sahara, 14 April 2008, para 26, 19 October 2007, para 28, 13 April 2007, para 20, and similarly in previous reports.

42 United Nations Development Program, United Nations Needs Assessment Mission to Abkhazia, Georgia, March 1998.

mine use by informal armed groups,⁴³ and requested assistance in mine clearance and promoted mine clearance as a confidence building measure.⁴⁴ The UN Security Council mandated the United Nations Observer Mission in Georgia (UNOMIG) to support the 1994 ceasefire. UNOMIG set up a fund for mine clearance which was carried out by a nongovernmental agency. Some Risk Education was provided first by a UN agency and later by nongovernmental organizations.⁴⁵

The coordination meeting documents, which were issued as bi-lateral statements fall far short of UNMAS recommendations, including only some international cooperation and did not make a substantial contribution toward removing contamination or halting new use.⁴⁶

Summary and Observations -International Armed Conflict

Within these five international armed conflicts, not one of them required a ban of mine use. In the ceasefire phase it may not be realistic to ask for the permanent surrender of a weapon since the conflict phase is still near and there will seldom be much trust in the process.

No agreement required the destruction of stockpiles of unused landmines, however this requirement only makes sense if there is a permanent ban on use, so it is not surprising this item is absent.

It appears that the easiest obligation to obtain in a ceasefire or peace agreement is for the provision of technical information on where mines were laid. Especially if that information is given to a neutral third party such as a peacekeeping force. It also then seems to be possible to request that the parties mark and remove minefields.

One of the reasons why it may be easier to get agreements on clearance, marking and exchange of information is that none of these activities prevent the parties from returning to mine warfare if the peace process fails. Cooperation on mine clearance also allows the parties to 'look good'. This is not necessarily a bad thing, since it provides an opportunity for confidence building. Mine removal is a positive activity which can be done together, in an environment in which they had previously only been doing negative things together. It is clearly important for the parties to have political will in order to genuinely follow through with their commitments and political will is strongly linked to trust and confidence.

There is an important role for third parties to support and encourage the development of political will. The ICJ lost an opportunity in Chad and Libya by not requiring third party monitoring of the clearance stipulated in their judgment, or requiring the parties to request third party support and monitoring of the implementation of the judgment.

By comparison, Ethiopia and Eritrea both showed the strongest will. They also had the best circumstances supporting and encouraging mine action, both in the obligations

43 Concluding statement on the outcome of the resumed meeting between the Georgian and Abkhaz parties held in Geneva, 17 to 19 November 1997. 10. The parties condemn acts of violence by armed groups and the placement of mines, which has resulted in a deterioration of safety conditions for the local population, returning refugees and displaced persons, UNOMIG personnel and CIS peacekeepers, and other international personnel working in Abkhazia.

44 Athens Meeting of the Georgian and Abkhaz Sides on Confidence-Building Measures, 16–18 October 1998. The parties agree on the following: 6. To promote in all possible ways the implementation of programmes of demining, also Record of the Second Session of Working Group I, of the Coordinating Council of the Georgian and Abkhaz Parties, on issues related to the lasting non resumption of hostilities and to security problems, 22 January 1998. The Session took up the following points for discussion: b) Incidents involving mines, booby traps and other explosives, as well as diversionary and terrorist activities in the zone of conflict; Areas of Concentration: -Demining

45 Report to the Secretary General on the Situation in Abkhazia, Georgia, United Nations Security Council, 14 October 1994, S/1994/1160.

46 Georgia states that the existence of areas outside its control prohibits it from accession to the Mine Ban Treaty, see Landmine Monitor Report 2007, p. 824. Abkhazia has stated that it cannot forego mine use until Georgia signs a peace treaty with it which guarantees that Georgia will not use force against it or restart hostilities, see Landmine Monitor Report 2007, p. 1035.

within their agreements, and with the complimentary third party involvement in the process. This may have been a contributing factor for both to subsequently joining the Mine Ban Treaty, and destroy their remaining antipersonnel mine stockpiles.

Few lessons can be drawn from Iran and Iraq due to the fact that the process was interrupted by another war. However, twenty years later, this process appears to be about to resume. In June 2008 the Defense Ministers for both Iran and Iraq met for the first time, and decided to establish two joint committees to exchange maps in order to remove the landmines laid on their shared border during the 1980-1988 war.⁴⁷

Western Sahara falls far short of the other intrastate situations documented above. The 1991 ceasefire, makes no mention of obligations for mine action, but does mandate the presence and involvement of the UN, although not for mine action purposes. Western Sahara provides an example of unique use of position by the UN Mission to conclude parallel military agreements with two sides who were unlikely to meet at the table to discuss mine action on their own. Morocco and POLISARIO are now involved in mine action, a parallel positive activity which has increased incrementally but steadily since the parallel military agreements were concluded. It may be considered an example of peace building through mine action.

The primary agreement between Georgia and Abkhazia also makes no mention of obligations for mine action. Subsequent meetings only emphasized the importance of an intervening party in mine action, mine removal and risk education. While the peace building nature of mine removal was acknowledged as a confidence building measure in the 1998 bilateral coordination meeting, this did not lead to concrete proposals or follow through by the parties themselves.

These observations will be explored further after the next section.

Chart 2. Mine action obligations within agreements - International conflicts.

Countries with landmine contamination	Agreement			Obligations						
	Ceasefire	Peace Accord	Other	Exchange of Information	Marking & Clearance	Risk Education	Victim Assistance	Ban on use, transfer & production	stockpile destruction	international cooperation
Chad & Libya										
Eritrea & Ethiopia										
Iran & Iraq										
Morocco & W Sahara										
Georgia & Abkhazia										
			Obligation			Partial				

⁴⁷"Iran, Iraq to boost defence ties", Vision of the Islamic Republic of Iran Network 1, Tehran, in Persian, 8 June 2008, translated by BBC Middle-East Monitoring Service.

Internal Armed Conflict

Most armed conflicts in the past 30 years have been fought within states,⁴⁸ and it is therefore not surprising that three times as many internal armed conflicts as international armed conflicts were found by this survey. Fifteen internal armed conflicts were discovered to have ceasefire, peace agreement or other documents which specified obligations regarding a halt in mine use or mine action. Intrastate wars in which massive numbers of mines were used include the war between the Government of Angola and the National Union for the Total Independence of Angola (UNITA), the Government of Mozambique and the Mozambican National Resistance (RENAMO), the Government of Sudan with the Sudan People's Liberation Movement/Army (SPLM/A), and the Government of Cambodia with several internal armed opposition groups.⁴⁹ Also included are the intrastate conflicts of Bosnia-Herzegovina, Burundi, Croatia, DR Congo, El Salvador, Guatemala, Nepal, Nicaragua, the Philippines, Senegal and Serbia(Kosovo).

Angola

Angola is considered one of the more heavily mined countries in the world, and its civil war started after decolonization in 1975.⁵⁰ The primary combatants were two organizations which had together waged the war of independence against Portugal: the Movimento Popular de Libertação de Angola (MPLA-Popular Movement for the Liberation of Angola), which managed to secure the government seat post-1975, and the União Nacional para a Independência Total de Angola (UNITA-National Union for the Total Independence of Angola).

Early efforts at a negotiated settlement produced the 1991 Bicesse Accord, which prohibited any new use of landmines and required some limited clearance. This was followed by the 1994 Lusaka Protocol 1994, which required that the parties to the agreement: carry out demining activities with the assistance of UN and other agencies specialized in mine action; and that the parties provide all information available relating to mines to help implement mine surveys, mine risk education and mine clearance.⁵¹

Armed conflict continued after both 1991 and 1994 agreements, but some mine action, based on the provisions of these agreements did take place. In the period after the 1991 Bicesse Accord, joint teams of soldiers of both MPLA and UNITA undertook mine clearance activities within the country, but this was not sustained.⁵² The United Nations Angola Verification Mission (UNAVEM) was mandated by the UN Security Council to support the 1991 Accord. After the Lusaka Protocol in 1994 UNAVEM supported nongovernmental humanitarian mine clearance organizations to work within the country.⁵³ The UNAVEM mandate expired in 1997, but mine clearance by international nongovernmental organizations continued despite ongoing armed conflict.

Following the death of the founder of UNITA armed conflict, including mine use, ceased and the 2002 Luena Memorandum was agreed. The Luena Memorandum contains

⁴⁸ Human Security Report 2005, Human Security Centre, Oxford University Press, 2005, p. 15.

⁴⁹ Khmer People's National Liberation Front (KPNLF), Front Uni National pour un Cambodge Indépendant, Neutre, Pacifique, et Coopératif (National United Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia-FUNCINPEC) and Party of Democratic Kampuchea (DK, aka Khmer Rouge).

⁵⁰ Landmine Monitor Report 1999, p. 117. Landmines began being used by anti-colonial forces in Angola in the early 1960s. After 1975 the MPLA, UNITA and some foreign forces (Cuban, East German and South African) laid mines within Angola. Mine warfare continued until the signing of the Luena Memorandum in April 2002.

⁵¹ Lusaka Protocol, Annex 8, II Specific Principles: 1.34 The parties signatories of the Lusaka Protocol agree that the Government should seek help from the United Nations and specialized institutions to assist them carry out demining operations in the country. In this context, the Government and UNITA agree to provide all the information available relating to mines and other explosives, to help implement programmes of mine surveys, of mine awareness and of demining, for the good of all Angolans.

⁵² Landmine Monitor Report 1999, p. 119. These joint teams benefited from British and South African assistance and cleared an estimated 300,000 mines in the southern part of the country.

⁵³ Landmine Monitor Report 1999, p. 119; also U.N. Department of Peacekeeping Operations, History of UNAVEM, www.un.org.

no obligations regarding mine use, mine action or victim assistance, but implements the obligations required in the 1994 Lusaka Protocol, however Angola was already at this time a signatory to the Mine Ban Treaty, and ratified it shortly after the Luena Memorandum.

Post 2002, the unified armed forces developed mine clearance teams, to undertake mine clearance as was required by the Lusaka Protocol. However, the majority of mine clearance, survey, marking, fencing and risk education was done by international nongovernmental organizations receiving international funding.⁵⁴ An Angolan government official informed the author of this report that information on the locations of mines was provided by government forces.⁵⁵ However according to a member of the national landmine impact survey, no maps or other information on mined areas were provided by any former combatant party within Angola.⁵⁶

The situation in 2002 was different than in 1994 as the United Nations no longer had a mission on the ground. With nongovernmental organizations already established in mine clearance, at no expense to the government, there was little political will to develop a comprehensive national mine clearance capacity.

A DDR program for former combatants was mobilized in Angola, however, information on mined areas was not sought during the demobilization process.⁵⁷

The Lusaka Protocol contained the UNMAS recommended obligations of exchange of technical information, international cooperation, clearance and mine awareness, and specifically framed it as a positive action 'for the good of all Angolans'. The Lusaka Protocol did not specify a halt in mine use, and mine use continued with the conflict until 2002, however the mine action obligations were successful in launching mine action in the country despite continued armed conflict and the departure of a UN peacekeeping mission.

Bosnia and Herzegovina

In 1992 Bosnia and Herzegovina declared independence from the Socialist Federal Republic of Yugoslavia (SFRY). Armed conflict was waged by 3 different forces- the Bosnian government army, the Bosnian Croat army and the Bosnian Serb army. Most combatants in the Bosnian war are assumed to have had prior military training.⁵⁸ The SFRY was one of the world's largest producers of antipersonnel mines, and 3 of the mine factories were located in Bosnia.⁵⁹ By the end of the war an estimated 30,000 mine fields existed.⁶⁰

The Dayton Agreement contains extensive obligations to map, mark and clear mined areas. 1995 General Framework Agreement requires a halt in new mine use.⁶¹ It required the marking of all mined areas, and complete removal of mines. This work was to begin within 30 days of the signing of the agreement.⁶² It required all parties to provide

54 Landmine Monitor Report, Angola, 1999-2007, sections on Demining and Mine Clearance.

55 Interview with Mrs. Balbina Malheiros da Silva, National Programme Coordinator, Angolan Presidential Commission.

56 Interview with Mike Kendellen, former Director for Survey, Survey Action Center, 12 June 2008.

57 Interview with Mrs. Balbina Malheiros da Silva, National Programme Coordinator, Angolan Presidential Commission.

58 All men in the former SFRY were required to do military service. SFRY military doctrine was reported to rely heavily on mine warfare. [source: Landmine Monitor Report 1999, p. 551.]

59 Landmine Monitor Report 1999, pp. 552-3.

60 Landmine Monitor Report 1999, p. 555.

61 General Framework Agreement for Peace (Dayton Agreement), 14 December 1995, Annex 1A: Agreement on the Military Aspects of the Peace Settlement, Article II: Cessation of Hostilities, 2. In carrying out the obligations set forth in paragraph 1, the Parties undertake, in particular, to cease the firing of all weapons and explosive devices except as authorized by this Annex. The Parties shall not place any additional minefields, barriers, or protective obstacles.

62 General Framework Agreement for Peace (Dayton Agreement), 14 December 1995, Annex 1A: Agreement on the Military Aspects of the Peace Settlement, Article IV: Redeployment of Forces, 2. Phase I, d. The Parties

information to a Joint Military Commission on the position and description of mined areas, also within 30 days.⁶³ The agreement sanctioned an international force which would be able to monitor the mine clearance activities of the parties.⁶⁴

Mine use halted with the implementation of the ceasefire in the Dayton Agreement. Upon implementation, mined areas were marked, but no follow up on the marking took place. Some marking disappeared over time, leaving areas unmarked.⁶⁵ 43 deminer teams made up of former combatants from the 3 armed forces cleared mines according to information on available maps, with training and supervision of the international force (SFOR).⁶⁶ National mine clearance efforts of the three armed forces were augmented with nongovernmental humanitarian demining organizations and commercial demining companies by 1998.⁶⁷

The 1995 agreement prohibited new use, but fell short of a ban. The agreement included the UNMAS recommended obligations of marking of mine fields, exchange of technical information and clearance and limited mine clearance. The obligations for mine action within the 1995 agreement were followed, and successfully launched a mine action effort which continues today. Some former combatants have turned to mine clearance for the livelihood.⁶⁸ Information on mined areas was not sought during the DDR process within the country, nor was obstruction of mine action, including withholding of minefield information prohibited under the agreement. Some information was withheld on certain mined areas from mine action authorities by some former combatants and in 2007, mine field records were still being offered for sale to humanitarian mine clearance organizations.

Burundi

Armed conflict within Burundi started in 1993 connected with wider Hutu-Tutsi conflict in the Great Lakes region. In 2000, with major international support, the Arusha Peace and Reconciliation Agreement was concluded and signed by 18 different combatant groups who formed a Transitional Government, however two major groups, the Conseil National pour la Défense de la Démocratie-Forces pour la Défense de la Démocratie (CNDD-FDD) and the Parti pour la libération du peuple hutu- Forces nationales de libération (PALIPEHUTU-FNL) did not join the Arusha Agreement. Government forces, a party to the Arusha agreement continued to use mines until 2003 when Burundi ratified the Mine Ban Treaty.⁶⁹

immediately after this Annex enters into force shall begin promptly and proceed steadily to complete the following activities within thirty (30) days after the Transfer of Authority or as determined by the IFOR Commander: (1) remove, dismantle or destroy all mines, unexploded ordnance, explosive devices, demolitions, and barbed or razor wire from the Agreed Cease-Fire Zone of Separation or other areas from which their Forces are withdrawn; (2) mark all known mine emplacements, unexploded ordnance, explosive devices and demolitions within Bosnia and Herzegovina; and (3) remove, dismantle or destroy all mines, unexploded ordnance, explosive devices and demolitions as required by the IFOR Commander.

63 General Framework Agreement for Peace (Dayton Agreement), 14 December 1995, Annex 1A: Agreement on the Military Aspects of the Peace Settlement, Article V: Notifications, 1. Immediately upon establishment of the Joint Military Commission provided for in Article VIII, each Party shall furnish to the Joint Military Commission information regarding the positions and descriptions of all known unexploded ordnance, explosive devices, demolitions, minefields, booby traps, wire entanglements, and all other physical or military hazards to the safe movement of any personnel within Bosnia and Herzegovina, as well as the location of lanes through the Agreed Cease-Fire Zone of Separation which are free of all such hazards. The Parties shall keep the Joint Military Commission updated on changes in this information.

64 General Framework Agreement for Peace (Dayton Agreement), 14 December 1995, Annex 1A: Agreement on the Military Aspects of the Peace Settlement, Article VI: Deployment of the Implementation Force 3. The Parties understand and agree that the IFOR shall have the right to fulfill its supporting tasks, within the limits of its assigned principal tasks and available resources, and on request, which include the following: e. to monitor the clearing of minefields and obstacles

65 Interview with Loren Persi, Landmine Monitor Thematic Editor for the Balkans, 5 June 2008.

66 Landmine Monitor Report 1999, p. 562, also Landmine Monitor Report 2000, p. 595.

67 Landmine Monitor Report 1999, p. 562.

68 Interview with former combatants in movie Disarm.

69 Landmine Monitor Report 2004, pp. 235-6.

The Arusha Peace and Reconciliation Agreement for Burundi prohibited new use and required the parties to mark dangerous areas,⁷⁰ and created a Ceasefire Commission responsible for mine clearance of the entire country.⁷¹ A 2003 Ceasefire between the Transitional Government and the CNDD-FDD included a prohibition on new use and a prohibition on interfering with mine clearance activities, and for marking *or* removal of mines prior to disarmament.⁷²

The Arusha Agreement fell far short of the UNMAS recommended obligations with only a requirement for marking and clearance. However, the Ceasefire Commission never undertook responsibility for mine clearance. No party is known to have marked a mined area. The opportunity for obtaining further information on mined areas was not considered during the demobilization process.⁷³ The prohibition on interfering with mine clearance activities was novel, and has only been found by the author in one other agreement- Mozambique.

In 2004, the United Nations Office in Burundi established a Mine Action Coordination Center (MACC), to which some information was allegedly provided by combatants. However available information was insufficient and in 2005 the MACC commissioned a Survey by a nongovernmental humanitarian mine clearance organization. Burundi was not heavily mine affected, and mine clearance programs have been systematically clearing the country, but the minimal obligations in the Arusha Agreement did not assist in mine clearance.

Cambodia

Landmines were used in Cambodia's civil war from 1967 – 1975, and from 1979 – 1989 during the war between the Khmer Rouge and other Cambodian armed factions and the State of Cambodia. Mines were used sporadically in Cambodia during a 1997 coup and until the surrender of the last group of Khmer Rouge in 1999.⁷⁴ The 1991 Paris Accords brought the State of Cambodia and three insurgent groups, one of which was the Khmer Rouge, into a peace agreement. The accords mandated the creation of the United Nations Transitional Authority in Cambodia (UNTAC), then the world's largest and most complex peacekeeping effort. The Accords placed obligations on the combatant parties and UNTAC. The Accords required the combatant parties to immediately deliver detailed records on mined areas to UNTAC.⁷⁵ The combatant parties were to make available mine clearance teams to work under the direction of UNTAC.⁷⁶

⁷⁰ Arusha Peace and Reconciliation Agreement, 28 August 2000, Protocol III, Chapter III, Article 26, f, The laying of mines of any type shall be prohibited, and all parties shall be required to undertake to mark and signpost any danger areas to be identified to peacekeeping forces;

⁷¹ Arusha Peace and Reconciliation Agreement, 28 August 2000, Protocol III, Chapter III, Article 27, 1d. The Ceasefire Commission shall be responsible, among other things, for: ..x. Undertaking mine clearance throughout the country; and also: 4a. The peace and security functions of the Ceasefire Commission shall be: ..vi. To ensure the demining of the whole country;

⁷² Ceasefire Agreement between the Transitional Government of Burundi and the Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie, Article II, 1.5 The total prohibition of mine-laying operations and of operations to obstruct demining; also, 1.6 Before proceeding to disengagement areas, the parties shall mark or indicate all dangerous areas where there are mines or booby traps or shall deactivate such mines or booby traps. also 1.12 The parties shall indicate on maps the areas where there are minefields.

⁷³ Email from Waldemar Vrey, United Nations Integrated Office in Burundi, 13 June 2008.

⁷⁴ Landmine Monitor Report 1999, pp. 392-3 and Landmine Monitor Report 2000, p. 385.

⁷⁵ Agreement on a Comprehensive Political Settlement on the Cambodia Conflict, 23 October 1991. Annex 2: Withdrawal, ceasefire and related measures: Article 1: Ceasefire, 3.: The Parties agree that, immediately upon the signing of this Agreement, the following information will be provided to the United Nations: c) Detailed record of their minefields, including types and characteristics of mines laid and information of booby traps used by them together with any information available to them about minefields laid or booby traps used by the other Parties

⁷⁶ Agreement on a Comprehensive Political Settlement on the Cambodia Conflict, 23 October 1991. Annex 2: Withdrawal, ceasefire and related measures: Article IX: Unexploded Ordnance Devices, 2. The Parties agree that, after completion of the regroupment and cantonment processes in accordance with Article III of the present annex, they will make available mine-clearing teams which, under the supervision and control of UNTAC military personnel, will leave the cantonment areas in order to assist in removing, disarming or deactivating remaining unexploded ordnance devices. Those mines or objects which cannot be removed, disarmed or deactivated will be

UNTAC was responsible for marking minefields with public warnings, developing and administering a mine risk education program and training nationals in the procedures of removing explosive hazards.⁷⁷ UNTAC was also responsible for undertaking mine clearance related to refugee resettlement activity.⁷⁸

Despite the clear recognition by the framers of the Paris Accords that mines were an enormous problem, to which significant resources had to be assigned, a ban on mine use was not specified. Mine use and armed conflict continued at least eight years after the signing of the accords, until Cambodia ratified the Mine Ban Treaty in 1999. The cantonment process failed, which meant that creation of demining units from former combatants, as envisioned in the Paris Accords could not proceed. No cooperation or provision of information on hazardous areas is known to have taken place during the UNTAC period.⁷⁹ Some former combatants have turned to mine clearance for the livelihood.

The Paris Accords contained many of the UNMAS recommendations, these were, however carried out almost entirely by the UNTAC and international nongovernmental organizations. Due to the failure of the cantonment of former combatants, on which mine action was premised, the United Nations had to build national capacity to undertake mine clearance outside of what was mandated in the Accords. Despite a mandate to destroy collected mines, departing UN military contingents in UNTAC turned over 22,000 landmines to the Cambodian Armed Forces, which continued to use them until 1997.⁸⁰ The obligations within the Paris Accords did contribute to mine action through UNTAC, but not the former combatants.

Croatia

Armed conflict in Croatia utilized large stockpiles of antipersonnel landmines manufactured in the former state of Yugoslavia, and mine warfare shared characteristics with Bosnia and Kosovo. Between 1991 and 1995 all armed entities within the country deployed mines leaving more than half of Croatia's provinces mine contaminated.⁸¹ The 1994 Ceasefire required the parties to provide the United Nations Protection Force (UNPROFOR) with all maps of mined areas within a specified area, within 72 hours. It required the parties to undertake mine clearance upon request of UNPROFOR, and under UNPROFOR supervision.⁸² Mine clearance was only required for those mined

clearly marked in accordance with a system to be devised by the military component of UNTAC.

77 Agreement on a Comprehensive Political Settlement on the Cambodia Conflict, 23 October 1991. Annex 1, Section C: Military Functions, 1. UNTAC will supervise, monitor and verify the withdrawal of foreign forces, the ceasefire and related measures in accordance with annex 2, including: e. Assisting with clearing mines and undertaking training programmes in mine clearance and a mine awareness programme among the Cambodian people. also Annex 2: Withdrawal, ceasefire and related measures: Article IX: Unexploded Ordnance Devices, 1. Soon after arrival in Cambodia, the military component of UNTAC shall ensure, as a first step, that all known minefields are clearly marked. UNTAC shall: a) Conduct a mass public education programme in the recognition and avoidance of explosive devices; b) Train Cambodian volunteers to dispose of unexploded ordnance devices; c) Provide Emergency first-aid training to Cambodian volunteers.

78 Agreement on a Comprehensive Political Settlement on the Cambodia Conflict, 23 October 1991. Annex 2: Article XII: Repatriation and resettlement of displaced Cambodians, The military component of UNTAC will provide assistance as necessary in the repatriation of Cambodian refugees and displaced persons carried out in accordance with Articles 19 and 20 of this Agreement, in particular in the clearing of mines from repatriation routes, reception centres and resettlement areas, as well as in the protection of the reception centres. also Annex 4: Repatriation of Cambodian Refugees and Displaced Persons, 12. Those responsible for organizing and supervising the repatriation operation will need to ensure that conditions of security are created for the movement of the refugees and displaced persons. In this respect, it is imperative that appropriate border crossing points and routes be designated and cleared of mines and other hazards.

79 Interview with Khem Sophoan, Director General, Cambodian Mine Action Centre, 4 March 2008, Phnom Penh.

80 Moser-Puangsuwan, Yeshua, U.N. Peacekeeping in Cambodia: Whose Needs Were Met?, *Pacifica Review*, Vol. 7, No. 2, 1995, pp 103-127.

81 Landmine Monitor Report 1999, pp. 575 and 572; and Landmine Monitor Report 2007, p. 316.

82 Cease-fire Agreement of 29 March 1994, Annex B, Rules of Disengagement and Other Matters Related to the Cease-Fire Agreement. 1. The parties shall provide UNPROFOR with marked maps and mine-field records for all mine fields within the Lines of Separation; they will remove mines upon request and under supervision of UNPROFOR. The above information shall be given to the UNPROFOR sector commanders not later than 72

areas which would affect the UNPROFOR mission, and specified a start date and some conditions under which this would take place.⁸³

A halt in mine use was not specified in the ceasefire, and mines continued to be used. Mined areas remained unmarked for years after the end of the conflict. The UNPROFOR mandate was limited to the areas under its jurisdiction, and did not cover other mine affected areas of the country. The mine action obligations in the Ceasefire in Croatia fell short of those recommended by UNMAS. They contain a requirement on exchange of technical information and a requirement on clearance and international cooperation, but all of these were severely limited. It is unknown if information on mined areas was sought by any entity during the demobilization process. In early 1996, the United Nations Transitional Administration in Eastern Slavonia, Baranja and Western Sirmium (UNTAES) deployed in areas which would become eastern Croatia. UNTAES was able to negotiate with commanders of both the Croatian and Serb Armies to undertake joint mine clearance in certain areas.⁸⁴ National mine clearance in Croatia began with the passage by the Croatian Parliament of the Mine Clearance Law in March 1996.⁸⁵ The obligations within the Croatian ceasefire did not contribute significantly to mine action within the country.

Democratic Republic of Congo

In the Democratic Republic of Congo (DRC), the Alliance des forces Démocratiques pour la Libération (AFDL) with open backing of Rwanda and Uganda overthrew the Mobutu regime in 1997. In 1998 Rwanda and Uganda broke with the AFDL and sought its replacement by supporting the Rassemblement Congolais pour la Démocratie (RCD) against an AFDL. The AFDL sought and received military support from from Angola, Zimbabwe and Namibia. All the above are believed to have used mines in warfare within the country.⁸⁶ Within this chaotic environment dozens of other armed groups emerged, sometimes in alliances of convenience with one or another of the above mentioned countries or armed groups. A 1999 Lusaka ceasefire agreement was concluded and signed by all six countries. The agreement sanctioned a United Nations peacekeeping intervention, Mission des Nations Unies en République Démocratique du Congo (MONUC). However the Lusaka agreement was not sufficient to bring an end to all armed violence in eastern DRC, where resource exploitation became a driving force for armed violence. In 2003, the UN Security Council imposed a ban on the transfer of arms to rebel groups within the DRC, which has been renewed annually and remains in effect.⁸⁷

The Lusaka Ceasefire Agreement required combatants from five armed groups to either join the national armed forces or demobilize.⁸⁸ UN Security Council resolutions empowered MONUC to establish a DDR program,⁸⁹ and assist the National Commission

hours after the signing of the Cease-fire Agreement.

83 Cease-fire Agreement of 29 March 1994, Annex B, Rules of Disengagement and Other Matters Related to the Cease-Fire Agreement. 8. On 9 April 1994, the parties will begin to lift all mines affecting the deployment of UNPROFOR elements within the area of separation. All such personnel will enter the area unarmed, move under UNPROFOR escort, and clear mines under UNPROFOR supervision. The final removal of mines will begin and be carried out as decided in the joint commissions.

84 United Nations Transitional Administration in Eastern Slavonia, Baranja and Western Sirmium Backgrounder” United Nations, [undated], http://www.un.org/Depts/DPKO/Missions/untaes_b.htm

85 Landmine Monitor Report 1999, p. 576.

86 Landmine Monitor Report 1999, p. 192.

87 UN Security Council Resolutions 1493 (2003) and 1807 (2008): Decides that all States, including the Democratic Republic of the Congo, shall take the necessary measures to prevent the direct or indirect supply, sale or transfer, from their territories or by their nationals, or using their flag vessels or aircraft, of arms and any related materiel, and the provision of any assistance, advice or training related to military activities, to all foreign and Congolese armed groups and militias operating in the territory of North and South Kivu and of Ituri, and to groups not party to the Global and All-inclusive agreement, in the Democratic Republic of the Congo

88 These were the Congolese Armed Forces (FAC), Mouvement Pour la liberation du Congo (MLC), and 3 factions of the Rassemblement Congolais pour la Démocratie (RCD, RCD-ML and RCD-N)

89 Security Council Resolution 1291(2000), 24 February 2000 and Security Council Resolution 1493(2003), 28 July 2003.

for Disarmament and Reintegration (Commission Nationale de Désarmement et Réintégration, CONADER). CONADER collected antipersonnel mines from demobilizing combatants, but no information on mined areas.⁹⁰

The Lusaka Ceasefire Agreement prohibits new use of landmines.⁹¹ An agreement within the 2002-2003 Inter-Congolese Dialogue notes that antipersonnel mines had been used in the country and that mine clearance was needed.⁹² The cessation of hostilities section within the Inter-Congolese Dialogue links to obligations to halt mine use in the Lusaka Agreement.⁹³

Mine use continued to be reported within the country until 2006.⁹⁴ With the exception of a halt in new mine use, no other UNMAS recommended obligations is required by the existing agreements and there are still a significant number of Congolese and foreign armed groups in the DRC. Agreements in the DRC did not assist in bringing either a halt in mine use or any other element of mine action, however with the accession of the DRC to the Mine Ban Treaty in 2002, all non-state combatants who surrendered for integration into the national armed forces would be bound by the MBT obligations.

El Salvador

Between 1980 – 1992, mines were used in El Salvador's civil war by government forces and the opposition Farabundo Martí National Liberation Front (FMLN).⁹⁵

The war came to a close with the 1992 Chapultepec Peace Accord. The Accord provided for the establishment of the United Nations Observer Mission in El Salvador (ONUSAL), a prohibition on new mine use,⁹⁶ and required that the FMLN supply the Chief Military Observer of ONUSAL with an inventory of its mines and transfer them to approved depots.⁹⁷ Soldiers from *both* the national army and the guerrillas were fully demobilized. While in cantonment awaiting demobilization provisions were made for their participation in mine clearance activities.⁹⁸ A provision for a full accounting of

90 Landmine Monitor Report 2006, p.328, and interview with Sophie da Câmara Santa Clara Gomes, Senior DDR Adviser, Bureau for Crisis Prevention and Recovery, United Nations Development Programme.

91 Ceasefire Agreement (Lusaka), Article III, 13. The laying of mines of whatever type shall be prohibited.

92 Inter-Congolese Political Negotiations (Sun City) 2003, 23. Resolution No: DIC/CHSC/03, [Parties to the agreement agree to:] 1. Request the Congolese authorities to establish an emergency programme for the environment, so as to: ...h. de-mine affected rural areas.

93 Inter-Congolese Political Negotiations (Pretoria) 2002, I – Cessation of Hostilities, 1...t he Parties to this Agreement and having armed forces, namely ...renew their commitment, in accordance with the Lusaka Agreement,

94 Landmine Monitor Report 2000, pp. 199-200, and Landmine Monitor Report 2001, pp 237-238.

95 Landmine Monitor Report 2007, p. 360.

96 Peace Agreement (Chapultepec), 16 January 1992. Chapter VII, Cessation of the Armed Conflict, The cease-fire, 5. As of that date, each of the parties shall, as appropriate, refrain from carrying out any hostile act or operation by means of forces or individuals under its control, meaning that neither party shall carry out any kind of attack by land, sea or air, organize patrols or offensive manoeuvres, occupy new positions, lay mines, interfere with military communications or carry out any kind of reconnaissance operations, acts of sabotage or any other military activity which, in the opinion of ONUSAL, might violate the cease-fire, or any act that infringes the rights of the civilian population.

97 Peace Agreement (Chapultepec), 16 January 1992. Separation of forces, 16. As soon as possible after the signing of this Agreement but no later than two weeks before D-Day, FMLN shall supply the ONUSAL Chief Military Observer with detailed information on its troop strength and inventories of arms, ammunition, mines, other explosives and military equipment located anywhere within the national territory. These arms, etc. shall be concentrated in the places listed in annex B, with the exception of those of its clandestine forces, which shall be concentrated in the places listed in annex D during the second stage of the separation of forces.

98 Peace Agreement (Chapultepec), 16 January 1992. Separation of forces, 21. With special reference to FAES forces deployed near places where there are FMLN forces, in other words, those listed in appendix 1 to annex A and those listed in appendix 1 to annex C, the Government agrees that such forces shall be authorized to leave their locations only with the consent of ONUSAL and for the following purposes: d. To take part in programmes for the deactivation, removal and destruction of mines; and 22. Similarly, during the CAC period ONUSAL liaison officers shall be posted in the listed locations where FMLN forces are to be concentrated in order to coordinate movements by those forces. FMLN agrees that its forces may leave the locations in question only with the consent of ONUSAL and for the following purposes: c. To take part in programmes for the deactivation, removal and destruction of mines;

FMLN surrendered mines was designed to avoid leakage to the black market.⁹⁹

A halt in new mine use was achieved under the final ceasefire. The FMLN was not able to provide maps of most of their mined areas as many of them were lost during the war.¹⁰⁰ However, the FMLN and the Army formed a Commission to facilitate the removal of mines within the country. A National Demining Plan was jointly carried out by the Armed Forces, FMLN, ONUSAL, UNICEF and a Belgian military company. Clearance was declared completed in 1994.¹⁰¹ An observer noted that this was possible due to a high degree of cooperation among former combatants of both sides toward a shared goal of removing the landmine hazard.¹⁰²

One of the contributing factors to the high degree of political will for mine action may have been the fact that ALL combatants were demobilized and scheduled to receive war veteran's benefits. This situation is radically different than any other civil war covered in this survey, where usually the government armed forces remain as the armed forces and only the insurgency is disbanded or integrated. Despite the fact that several of UNMAS recommended areas for inclusion were absent, compared to previously reviewed conflicts, El Salvador is an example of a success.

Information on mined areas was not sought by any external entity during the demobilization process, however both parties conducted internal consultations to determine areas of mine use. In the case of El Salvador, former combatants were fully involved in mine clearance from conception to completion.

Guatemala

The Guatemalan civil war lasted for 36 years during which self manufactured mines were used sporadically in Guatemala by the Unidad Revolucionaria Nacional Guatemalteca (URNG,Guatemalan National Revolutionary Union).¹⁰³ Government forces possessed no mines throughout the conflict.¹⁰⁴ URNG used its mines in perimeter defense of their bases and radio transmitter.¹⁰⁵

Sequential agreements were negotiated starting in 1994 with the Agreement on the Resettlement of Population Groups Uprooted by the Armed Conflict and concluding with the Agreement on the Definitive Ceasefire and the Agreement on a Firm and Lasting Peace, both in 1996 made up the final peace settlement.¹⁰⁶ The 1994 agreement required both parties to commit to mine clearance in support of resettlement.¹⁰⁷ The

99 Peace Agreement (Chapultepec), 16 January 1992. End of the military structure of FMLN and reintegration of its members, within a framework of full legality, into the civil, institutional and political life of the country, 26. Between D-Day + 6 and D-Day + 30, according to the phased programmes referred to in paragraph 14, FMLN shall concentrate in the 15 designated locations listed in annex D all arms, ammunition, mines, other explosives and military equipment belonging to its forces, both those concentrated during the first stage in the places listed in annex B and those belonging to its clandestine forces, and ONUSAL shall verify that they tally with the information given in the inventories it has received in accordance with paragraph 16.

100 Interview with Mrs. Lourdes Bernardina Barrere de Morales, Executive Director, National Council for the Integrated Care of the Disabled of El Salvador, 4 June 2008.

101 Landmine Monitor Report 2004, p. 412.

102 Interview with Mrs. Lourdes Bernardina Barrere de Morales, Executive Director, National Council for the Integrated Care of the Disabled of El Salvador, 4 June 2008.

103 Landmine Monitor Report 1999, p. 251.

104 Landmine Monitor Report 2001, p. 343.

105 Landmine Monitor Report 1999, p. 251.

106 Agreement on a Firm and Lasting Peace, 29 December 1996. Annex II, Entry into Force of the Peace Agreements, 15. All agreements signed on the basis of the Framework Agreement on Democratization in the Search for Peace by Political Means, signed at Querétaro, Mexico, on 25 July 1991, and those concluded since the Framework Agreement for the Resumption of the Negotiating Process, signed at Mexico City on 10 January 1994, are hereby incorporated into this Agreement on a Firm and Lasting Peace. Those agreements are: (b) The Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict, signed at Oslo on 17 June 1994; g) The Agreement on the Definitive Ceasefire, signed at Oslo on 4 December 1996; (j) The Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements, signed at Guatemala City on 29 December 1996.

107 Agreement on the Resettlement of Population Groups Uprooted by the Armed Conflict, 17 June 1994. Annex

1996 Ceasefire agreement committed the URNG to provide the United Nations Verification Mission in Guatemala (MINUGUA) with maps of mined areas and a full inventory of mines possessed.¹⁰⁸ It also provided for cantoned URNG combatants to transfer mines or assist in identification of mined areas and for the surrender of mines to the MINUGUA.¹⁰⁹ A 1996 Implementation Agreement required a program of mine clearance, and required detailed information be given to MINUGUA by both URNG and the Army on locations of mined areas.¹¹⁰

In 1996 Guatemala also passed domestic legislation, making it illegal to produce, purchase, sell, import, export, transfer, use or possess an antipersonnel mine or an explosive device or of their components.¹¹¹ No new use took place under the final ceasefire. To fulfill its obligations under the Peace Accords, URNG transferred their minefield to the MINUGUA, and a UN military contingent cleared it in 4 months.¹¹² The language in the agreement was the most comprehensive of any within this survey in which the URNG were required to surrender mines to MINUGUA “whether in their possession or in minefields or clandestine storage anywhere.”¹¹³

Mine Risk Education, survey and clearance of mined areas was carried out by a team of reintegrated former URNG members together with members of the Volunteer Firefighters and the army engineers through 2005, when mine clearance was completed.¹¹⁴

This agreement was noteworthy for framing mine clearance as a humanitarian imperative- to assist in the safe resettlement of the war displaced. Many of the obligations recommend by UNMAS are included, exchange of technical information, clearance, international cooperation, surrender of stocks for destruction. The complimentary domestic legislation provided a ban on the weapon. Risk Education was not included although it was organized independently by activities conducted under the accord. This agreement successfully provided the basis for mine action within the country.

Mozambique

Landmine use in Mozambique began during the anti-colonial struggle by Frente de Libertação de Moçambique (Liberation Front of Mozambique- FRELIMO) guerrillas against the Portuguese colonial administration. After independence, FRELIMO became the governing party. The Resistência Nacional Moçambicana (Mozambican National Resistance- RENAMO) insurgent force was formed by Rhodesia in reaction to

1, Article II, IV: Concerned about the security of those who are being resettled or who live in the zones affected by the conflict, the Parties recognize the urgent need to remove all types of mines or explosive devices buried or abandoned in these areas, and they commit themselves to cooperate fully in these activities.

108 Agreement on the Definitive Ceasefire, 4 December 1996. Information concerning troops and weapons, 15. URNG shall provide the United Nations with detailed information on the number of troops, lists of names, inventories of weapons, explosives and mines, and all other necessary information concerning the existence of minefields, munitions and other military equipment, both in their possession and in storage.

109 Agreement on the Definitive Ceasefire, 4 December 1996. Restrictions on assembled URNG troops, 21. Assembled URNG elements undertake not to leave the assembly points without the consent and verification of the United Nations. They may do so if they are unarmed and accompanied by verification representatives in coordination with the Government of Guatemala, in the cases provided for in the following sub paragraphs: (b) To hand over clandestine stores of arms, munitions and equipment located anywhere; (c) To point out areas where there are minefields; 24. Disarming shall consist of the depositing, registration and handing over to the United Nations of all types of offensive and defensive weapons, munitions, explosives, mines and other supplementary military equipment in the possession of URNG forces, whether in their possession or in minefields or clandestine storage anywhere.

110 Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements, 29 December 1996. Annex I, Mine clearance, 13. Implement a programme for clearing all types of mines, bearing in mind that both the Guatemalan armed forces and URNG are to provide the United Nations with detailed information on explosives, mines and existing minefields.

111 Landmine Monitor Report 1999, p. 250.

112 Landmine Monitor Report 1999, p. 253.

113 See note 125.

114 Landmine Monitor Report 2004, pp. 470-1 and Landmine Monitor Report 2007 p. 409.

Mozambiquian support for anti-colonial forces within Rhodesia. RENAMO later received support from South Africa due to Mozambican support for the ANC. Mines were laid by all sides as well as foreign forces from South Africa and Rhodesia.¹¹⁵

Armed conflict ended with the signing of the General Peace Agreement in October of 1992.¹¹⁶ The *United Nations* Operation in Mozambique (ONUMOZ) was established by Security Council Resolution 797 (1992) to help implement the General Peace Agreement. 1992 General Peace Agreement prohibits laying of mines, prohibits interference in mine clearing operations and designates a Ceasefire Commission responsible for implementing mine clearing operations.¹¹⁷

Mine use and armed conflict ended with the 1992 agreement. The only UNMAS recommended obligation included in the agreement was for clearance, which was delegated to a commission. No provision of information on hazardous areas, and cooperation on clearance was not specified. Information on mined areas was not sought during the demobilization process. A national plan for mine clearance was drafted by ONUMOZ within 2 months of the signing of the Peace agreement.¹¹⁸ Mine clearance started in 1992 has not yet been completed.¹¹⁹ This agreement did not make a significant contribution to mine action because the obligations were absent, but did support mine action indirectly though requesting UN assistance in implementing the peace agreement. Subsequently, the Government of Mozambique played a role in bringing about the Mine Ban Treaty.¹²⁰

Nepal

Mines were laid in Nepal during the 1996 to 2006 insurgency of the Communist Party of Nepal-Maoist (CPN-M). Antipersonnel mines were used by the Royal Nepal Army around the perimeters of military and police stations and around infrastructure. The CPN-M used improvised explosive weapons, some of which could be victim activated (see Definitions: antipersonnel mines). In May 2006 a Ceasefire prohibited any new use of antipersonnel mines.¹²¹ The November 2006 Comprehensive Peace Agreement (CPA) reaffirms the prohibition on new mine use.¹²² The CPA required the parties to share information with each other regarding the placement of mines, and for comprehensive mine clearance within 60 days.¹²³ The subsequent December 2006 Agreement on Monitoring of the Management of Arms and Armies (AMMAA) outlines the relationship of the United Nations Mission in Nepal (UNMIN) to the disarmament and demobilization process. It repeats the requirements in the CPA regarding the

¹¹⁵ Landmine Monitor Report 1999, pp. 46-47.

¹¹⁶ Landmine Monitor Report 1999, p. 46.

¹¹⁷ General Peace Agreement for Mozambique, Protocol VI, I Cessation of the armed conflict 2. The [Ceasefire Commission]CCF, which shall be structured as stipulated in Protocol IV, paragraph VI.i.2, shall have the following functions: - to organize and implement mine-clearing operations; and 5. b) As of E-Day, neither of the Parties shall carry out any hostile act or operation by means of forces or individuals under its control. Accordingly, they may not: - lay mines and prevent mine-clearing operations;

¹¹⁸ Landmine Monitor Report 1999, p. 47.

¹¹⁹ Landmine Monitor Report 2007, p. 531.

¹²⁰ Mozambique was active in the negotiation process for the MBT and also hosted one of the first global NGO forums on a mine ban as well as the first meetings of governments which ratified the Mine Ban Treaty [source: Landmine Monitor Report 1999, p. 44.]

¹²¹ Ceasefire Code of Conduct, Agreed between the Government of Nepal and CPN (Maoist), 25 May 2006. Guaranteeing fearless civilian life, 3. Not to attack or destroy each other's military or security installations, not to lay down mines or ambushes, not to recruit new people in one's military and not to spy against each other.

¹²² Comprehensive Peace Accord, Signed between Nepal Government and the Communist Party of Nepal (Maoist), 22 November 2006. 5 Ceasefire, 5.1.1. Both sides express commitment to not to carry out the following activities: i. Mining and sabotage.

¹²³ Comprehensive Peace Accord, Signed between Nepal Government and the Communist Party of Nepal (Maoist), 22 November 2006. 5 Ceasefire, 5.1.4. Both sides shall assist each other to mark landmines and booby-traps used during the time of armed conflict by providing necessary information within 30 days and defuse and excavate it within 60 days.

prohibition on mine use¹²⁴ and the provision of information on mined areas.¹²⁵ It repeats the clearance deadline but also details the stockpiling and destruction of Maoist explosive weapons.¹²⁶ The AMMAA also sanctions mine clearance.¹²⁷

Since the Ceasefire, no new use of mines or victim activated explosive devices took place in Nepal. The CPN-M has cooperated in placing its explosive devices under stockpile management of the UNMIN.¹²⁸ By March 2008 90% of these had been destroyed by UNMIN monitors.¹²⁹ The Nepal Army confirmed publicly all places it had laid mines and has commenced mine clearance.¹³⁰

Obligations regarding mines develop in the Nepal agreements sequentially, starting with a prohibition on new use, progressing to a requirement to clear the mines, international cooperation and, for one party, stockpile destruction. This agreement did not contain a clear ban, or requirements on risk education, or marking and fencing, although the later were done. The incremental approach worked well in Nepal and the obligations within the agreement launched comprehensive mine action, despite the unrealistic deadline initially set. However, the Nepal Army possess a stockpile of antipersonnel mines and have yet to join the Mine Ban Treaty.

Nicaragua

Mines were laid in Nicaragua between 1979 and 1990 by the Sandinista Popular Army against the US backed Nicaraguan Resistance (Contra) insurgency. Mines were laid along border areas and surrounding infrastructure within the country. The Nicaraguan Resistance also engaged in some mine warfare.¹³¹ The agreements between the Government of Nicaragua and the Nicaraguan Resistance ("Contras") do not make

124 Agreement on Monitoring of the Management of Arms and Armies, 8 December 2006. 5 Compliance with the Agreement 5.1 Prohibited Activities In the spirit of the Comprehensive Peace Accord, and in light of this agreement, after the placement of the Nepal Army in the barracks and the Maoist Army combatants in cantonment, the parties shall scrupulously refrain from the following activities: 8. Planting mines or improvised explosive devices, conducting sabotage or military espionage.

125 Agreement on Monitoring of the Management of Arms and Armies, 8 December 2006. 2 Reporting and verification. The parties will report detailed information about their troops and this information will be treated with appropriate confidentiality by the United Nations. The parties will provide maps and sketches showing current dispositions, including: (2) Minefields, landmines, unexploded ordnance, standard explosives, improvised explosive devices and exact locations of such items; also 4.2 Barracking of the Nepal Army 4.2.2 Commander responsibilities. The commanders shall provide the following information in detail to the UN Mission: (5) Minefields, landmines, unexploded ordnance, standard explosives, improvised explosive devices and the exact location of such items;

126 Agreement on Monitoring of the Management of Arms and Armies, 8 December 2006. 4.1.2 Weapons storage and control. The parties agree upon the safe storage of all Maoist army weapons and ammunition, in the seven main cantonment areas under UN monitoring, except as provided below for perimeter security purposes. Both sides shall assist each other to mark landmines and booby-traps used during the time of armed conflict by providing necessary information within 30 days and to defuse and remove/lift and destroy them within 60 days. All improvised explosive devices will be collected at designated sites a safe distance from the main cantonment areas. These sites shall be agreed by the parties in consultation with the UN Mission. Unsuitable devices will be destroyed immediately. Stable devices will be stored safely and under 24 hour armed guard provided for by the guard arrangements cited below. The parties, in consultation with the UN, will determine a time line and process for the later destruction of all improvised explosive devices. To ensure the safety of both monitors and Maoist army personnel, no improvised explosive devices or crude bombs will be brought inside the cantonment sites.

127 Agreement on Monitoring of the Management of Arms and Armies, 8 December 2006. 5.2 Permitted activities. The key principle that shall underpin permitted activities for both sides shall be to alleviate the effects of the armed conflict on civilians and the war affected areas and to galvanize popular support for peace. Permitted activities for both sides will be conducted as per the decisions of the interim government. Permitted activities include: (1) Demining and decommissioning of military hazards;

128 Photographic evidence and internal reports of the UN monitoring mission shown to the author.

129 Mine action update, United Nations Mission in Nepal, 31 March 2008, www.unmin.org.np

130 Although not a State Party to the Mine Ban Treaty, the Nepal Army has given detailed briefings on the mine contamination to the Meeting of States Party to the Mine Ban Treaty, and to the International Campaign to Ban Landmines. Author has obtained a copy of one of the briefings.

131 Landmine Monitor Report 2007, p. 549. In 1990, after a change in government following elections, the much larger Nicaraguan Resistance agreed to a series of accords which provided for their disarmament and demobilization. The Nicaraguan Resistance was required to disarm and demobilize but no information on mined areas was required from surrendering former combatants.

mention of any obligations regarding mines, however a 1990 Ceasefire agreement between the Nicaraguan government and the Yapti Tasba Masraka Nanih Asia Tankanka (YATAMA) 'Atlantic Front' resistance, required government clearance of affected areas covered by the agreement, as well as the provision of information by the Atlantic Front.¹³²

The YATAMA Ceasefire contains limited obligations on clearance and exchange of technical information. The Nicaraguan Army is still clearing mines.¹³³ In this situation, the obligations within the ceasefire did not have a significant impact on the clearance of mines after the conflict.

Philippines

Landmines have been used sporadically by Moro based rebellions in Mindanao and by the New People's Army in the Philippines. Both use self made mines, deployed previously in defenses, however, as of 2004 the Government of the Philippines reported that no area of the islands can be considered mine affected.¹³⁴

The 2001 ceasefire implementation agreement between the Moro Islamic Liberation Front and the Government of the Philippines specifies 'landmining' as a prohibited activity.¹³⁵ Similar wording was used in a previous 1997 ceasefire implementation agreement.¹³⁶

A 1998 bi-lateral agreement between the New People's Army (NPA) and the Government of the Philippines on human rights and international humanitarian law prohibits landmine use through a rights based approach.¹³⁷

Active condemnation by a strong civil society in the Philippines also appears to have had a significant impact on prohibiting use of landmines by the insurgency. Unique to the Philippines have been 'treaties' between civil society and non-state armed groups.¹³⁸ Several strong civil society influenced agreements exist in the Philippines to prohibit use of antipersonnel landmines by rebel groups. Advocacy and monitoring by civil society is constant.¹³⁹ In 2001, when an armed group was alleged to violate a pledge not to use mines, the incident was investigated by a nongovernmental mission and the rebel group

132 Definitive cease-fire agreement between the Government of the Republic of Nicaragua and the "YATAMA" Atlantic Front of the Nicaraguan Resistance under the auspices of His Eminence Miguel Cardinal Obando y Bravo, 18 April 1990. Annex I, 13. The Government of Nicaragua undertakes to clear the mines from the frontier areas or Rio Coco and Bismona mined by the Sandinista People's Army. The "YATAMA" Atlantic Front of the Nicaraguan Resistance undertakes to provide all information in its possession regarding zones which it knows to be mined. The military authorities shall indicate the routes from which mines have been cleared for their use in the unimpeded passage of members of "YATAMA" and their family members.

133 Landmine Monitor Report 2007, p. 550.

134 Landmine Monitor Report 2004, p. 670.

135 Implementing Guidelines on the Security Aspect of the GRP-MILF Tripoli Agreement of Peace of 2001, 7 August 2001. Article II, 3.1. The following are considered prohibited hostile acts: 3.1.2. Aggressive action such as attacks, raids, ambushes, landminings, and offensive military actions such as shelling, reconnoitering, and unjustified massing of troops.

136 Implementing Operational Guidelines of the GRP-MILF Agreement on the General Cessation of Hostilities, 15 November 1997. 3. The following are considered prohibited hostile acts: b. Aggressive action such as attacks, raids, ambushes, landminings, and offensive military actions such as shelling, reconnoitering, and unjustified massing of troops.

137 Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law Between the Government of the Republic of the Philippines and the National Democratic Front of the Philippines, 16 March 1998. Part III, Respect for Human Rights, Article 2, This Agreement seeks to confront, remedy and prevent the most serious human rights violations in terms of civil and political rights, as well as to uphold, protect and promote the full scope of human rights and fundamental freedoms, including: 15. The right not to be subjected to forced evacuations, food and other forms of economic blockades and indiscriminate bombings, shellings, strafing, gunfire and the use of landmines.

138 Some armed groups operating in the Philippines agreed to obligations in a "Rebel Group Declaration of Adherence to International Humanitarian Law on Landmines" produced by the Philippines Campaign to Ban Landmines while others agreed to obligations in the "Deed of Commitment" of the Swiss NGO, Geneva Call.

139 Sulong CARHRIHL, a joint project of the Citizen's Peace Council and the University of the Philippines which does education and advocacy on CARHRIHL for the prevention of violations. www.sulongnetwork.ph

admitted responsibility and implemented new policies to assure non use of mines in the future.¹⁴⁰

None of the UNMAS recommended obligations are specified within these agreements. The bi-lateral agreement between the NPA and the Government is unique. It forms a code of conduct for the armed conflict, providing *preventive measures* through agreement on certain human rights and international humanitarian law protections for the population. It has framed the threat of landmines as a violation of human rights by stating that the people of the country have a “right not to be subjected to...the use of landmines.”

Senegal

Landmine use in Senegal is limited to the Casamance Region, where a secessionist war has been waged since the early 1980s. Conflict escalated in 1990, and antipersonnel mines began to be used by the Mouvement des Forces Democratiques de la Casamance (Movement of Democratic Forces of Casamance MFDC) to counter military pressure by the Senegalese Army and to expel people from resource rich areas for income generating purposes.¹⁴¹ The Senegalese Army is believed to have previously mined some of the border areas between the Casamance and Guinea Bissau in the 1970s.

A General Peace Accord was concluded between the Government of Senegal and a faction of the MFDC which contains a preamble which includes concern about the danger caused by antipersonnel mines.¹⁴² The Accord requests the parties to provide any information which will be useful in mine clearance to a specified agency.¹⁴³ The 2004 Peace Accord was signed by one faction of the MFDC. Since 2005 there have been no further talks between the government and the MFDC.¹⁴⁴ Mine use by a non-signatory faction of the MFDC has taken place both in the Casamance Region of Senegal and across the border in Guinea Bissau.¹⁴⁵

The 2004 General Peace Accord is unique in placing concern about the existence of mines within the ambulatory section of the agreement, no other agreement within this dissertation places the mine issue within the section of an agreement which frames it. However, it does not develop from there. Other than requesting the exchange of information it does not contain any other UNMAS recommended obligation. The recommendation for exchange of information in the 2004 accord has not facilitated mine action in Senegal. No cooperation or provision of information on hazardous areas has taken place. The conflict remains active and subsequent agreements have not been made. A faction of the MFDC has threatened attacks on government deminers if clearance is attempted,¹⁴⁶ and this has required the Senegalese government, which is a party to the Mine Ban Treaty, to request an extension of its obligations to clear mines on its territory.

Serbia (Kosovo)

Kosovo is currently a UN protectorate and its final status remains uncertain. It was a province of the Federal Republic of Yugoslavia (FRY) at the time of the war, I have

140 ‘Seeking Rebel Accountability, Report of the Geneva Call Mission to the MILF in the Philippines’, 3-8 April 2002, pp 4-6.

141 Landmine Monitor Report 1999, pp. 76-7.

142 Accord General de Paix, Entre le Gouvernement de la Republique du Sengal et le mouvement des Forces Democratiques de la Casamance (MFDC), 30 December 2004. Conscients des effets désastreux provoqués par plus de vingt ans de conflit et de combats en Casamance, notamment la régression économique de la région, les souffrances des populations ainsi que des risques encourus du fait de la présence de mines antipersonnel;

143 Accord General de Paix, Entre le Gouvernement de la Republique du Sengal et le mouvement des Forces Democratiques de la Casamance (MFDC), 30 December 2004. Article 2: De la Garantie et Consolidation de Vaccord, 4. Les Parties fourniront à l’ANRAC toute information de nature à faciliter le programme de dépollution de la région.

144 Interview with Boubine Toure, Representative of the International Campaign to Ban Landmines in Senegal, 4 June 2008.

145 Landmine Monitor Report 2006, p. 622.

146 Landmine Monitor Report 2007, p. 597.

therefore included it as an internal war. The FRY successor state, Serbia, claims that Kosovo legally remains a province of Serbia under occupation.¹⁴⁷

The FRY (now Serbian) Army laid mines to halt cross border movement from Albania of arms and guerrillas of the Ushtria Çlirimtare e Kosovës (UÇK, but herein the Kosovo Liberation Army- KLA). Similar to Bosnia and Croatia mentioned earlier in this survey, many KLA combatants had previously received military training when required to serve in the Army of the former Socialist Republic of Yugoslavia, which emphasized mine warfare.¹⁴⁸ KLA militias used mines within Kosovo, but to a lesser degree than the Army.¹⁴⁹

Efforts at a negotiated settlement held in Rambouillet, France from January 1999 collapsed and between March and June 1999, NATO forces launched a bombing campaign of FRY forces in Kosovo Province, as well as within the FRY. Armed conflict between the Army and the KLA within Kosovo between March and June of 1999 included use of antipersonnel mines, primarily by the Army but also by the KLA.¹⁵⁰

In June 1999, under duress, the FRY signed an armistice to halt NATO attacks. The Military Technical Agreement between the International Security Force (KFOR) and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia in June 1999 required the phased withdrawal of FRY forces from Kosovo Province, and the marking and clearing of mined areas as they did so. It also obligated the FRY forces to provide detailed records of any areas it had mined to KFOR.¹⁵¹

The UN Security Council Resolution in June 1999 gave the mandate to an international military force to oversee mine clearance until a civilian interim administration could take over the responsibility and suggested further negotiations to allow the departing FRY forces to return for the purposes of marking and clearance.¹⁵²

After the signing of the military agreement, FRY forces left Kosovo immediately, with the expectation of a swift return to what they believed was their rightful place.¹⁵³ FRY forces did not undertake marking or clearance when departing or return to do so later.

The 1999 Military Technical Agreement contained the UNMAS recommended obligations for mine clearance, exchange of technical information and international cooperation, however no cooperation or provision of information on hazardous areas was provided by FRY forces.

A subsequent agreement between KFOR and the KLA provided for the dissolution

147 The Serbian government website carries the following statement: Kosovo is an autonomous province within the Republic of Serbia and on the basis of the United Nations Security Council Resolution 1244 which was adopted on June 10, 1999, it is under the interim civil and military administration of the UN. www.srbija.sr.gov.yu, accessed 21 June 2008.

148 See Bosnia and Herzegovina section of this survey.

149 Landmine Monitor Report 1999, pp. 832-5.

150 Landmine Monitor Report 2000, p. 875.

151 Military Technical Agreement between the International Security Force ("KFOR") and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia, 9 June 1999, Article II: Cessation of Hostilities, 2. Phased Withdrawal of FRY Forces (ground): The FRY agrees to a phased withdrawal of all FRY Forces from Kosovo to locations in Serbia outside Kosovo. FRY Forces will mark and clear minefields, booby traps and obstacles. As they withdraw, FRY Forces will clear all lines of communication by removing all mines, demolitions, booby traps, obstacles and charges. They will also mark all sides of all minefields. Also, Article III: Notifications, 2. By EIF +2 days, the State governmental authorities of the FRY and the Republic of Serbia shall furnish the following specific information regarding the status of all FRY Forces: a. Detailed records, positions and descriptions of all mines, unexploded ordnance, explosive devices, demolitions, obstacles, booby traps, wire entanglement, physical or military hazards to the safe movement of any personnel in Kosovo laid by FRY Forces.

152 United Nations Security Council Resolution 1244, 10 June 1999: 9. Decides that the responsibilities of the international security presence to be deployed and acting in Kosovo will include: e. Supervising demining until the international civil presence can, as appropriate, take over responsibility for this task; Annex 2, Agreement should be reached on the following principles to move towards a resolution of the Kosovo crisis: 6. After withdrawal, an agreed number of Yugoslav and Serbian personnel will be permitted to return to perform the following functions: Marking/clearing minefields;

153 Interview with Loren Persi, Landmine Monitor Editor for the Balkans, 5 June 2008.

of the KLA.¹⁵⁴ This agreement contained a prohibition on the possession or use of mines,¹⁵⁵ and required the KLA to mark mined areas within 4 days and clear mines within 7 days.¹⁵⁶ Although the KLA were required to disband, in reality they were transformed into the Kosovo Protection Corp (KPC).¹⁵⁷ KFOR did receive some mines in arms surrendered by the KLA, but information on mined areas was not collected from individual combatants during the demobilization process of the KLA. The agreement between KFOR and the KLA contained several UNMAS recommended obligations and is the only agreement reviewed within this dissertation which imposed a ban.

Due to the fact that these agreements were imposed and not negotiated, and that the conflict remains unresolved the mine action obligations were generally ignored by the former combatants as there was no political will to pursue them. Former KLA officers were also later discovered to be using new mines against remaining Serbian enclaves in Kosovo after they had been transformed into the KPC.

Sudan

Armed rebellions have occurred against the government from all sections of the country with numerous armed groups based in ideology or identified with one of the countries many tribal groups, leaving 19 of the country's 25 states mine affected.¹⁵⁸ Since the mid-1990s the government entered into peace accords with several armed groups. The largest and most far reaching of these agreements was the Comprehensive Peace Agreement (CPA) of 2004. The CPA created a Government of National Unity, which contains the former ruling party and members of the Sudan People's Liberation Movement/Army. The agreement also created a semi-autonomous Government of South Sudan (GOSS). This arrangement will last until 2011 when a referendum on self-determination for the South is to be held. Ongoing and escalating conflict in the west of the country has been subject of United Nations Security Council sanctions which have required all member states to prohibit the flow of arms to non-state armed groups in Darfur.

The CPA contained a significant number of UNMAS recommended obligations regarding for mine action, including cooperation with a UN body on clearance of mines, provision of maps of mined areas, provision of information about stockpiles of mines, production of a plan for the marking of mined areas and implementation of the plan. It also contained a prohibition on mine use.¹⁵⁹ A subsequent 2005 Darfur Peace Agreement

154 Undertaking of demilitarisation and transformation by the UCK, 20 June 1999. 1. This Undertaking provides for a ceasefire by the UCK, their disengagement from the zones of conflict, subsequent demilitarisation and reintegration into civil society.

155 Undertaking of demilitarisation and transformation by the UCK, 20 June 1999. 5. For purposes of this Undertaking, the following expressions shall have the meanings as described below: d. Prohibited weapons are any weapon 12.7mm or larger, any anti-tank or anti-aircraft weapons, grenades, mines or explosives, automatic and long barreled weapons. and, Cessation of Hostilities, 10. The UCK undertakes and agrees in particular: b. Not to place any mines, barriers or checkpoints, nor maintain any observation posts or protective obstacles.

156 Undertaking of demilitarisation and transformation by the UCK, 20 June 1999. Cessation of Hostilities, 14. Within 4 days of signature of this Undertaking: a. The UCK will close all fighting positions, entrenchments, and checkpoints on roads, and mark their minefields and booby traps. and Demilitarisation and transformation, b. Within 7 days the UCK will clear their minefields and booby traps, vacate their fighting positions and transfer to assembly areas as agreed with COMKFOR at the JIC.

157 Alpaslan Ozerdem, "From a 'Terrorist' Group to a 'Civil Defence' Corps: The 'Transformation' of the Kosovo Liberation Army," *International Peacekeeping*, Vol. 10, No. 3, Autumn 2003, pp. 79-101.

158 Sudan Summary, United Nations Mine Action Service, www.mineaction.org.

159 Comprehensive Peace Agreement, Agreement on Permanent Ceasefire and Security Arrangements, Implementation Modalities between the Government of Sudan (GoS) and the Sudan People's Liberation Movement/Sudan People's Liberation Army (SPLM/SPLA) during the Pre-Interim Periods, 31 December, 2004. 5. Principles of the Ceasefire: 5.3. The permanent cessation of hostilities shall include final termination of the following activities: 5.3.3. Laying of mines and other subversive activities; 8. Disengagement: 8.5. The parties shall provide maps and sketches showing their current dispositions before the declaration of the ceasefire. Such maps and sketches shall include: 8.5.1. Current dispositions including deployment and weapons sites. 8.5.2. All necessary information about roads, tracks, passages, minefields, and command posts. 8.6. To safeguard against the menace and hazards posed by landmines and unexploded ordnance, the Parties agree that: 8.6.1. The laying

contained a prohibition on the use of mines and an obligation to provide information on mined areas to the African Union Peacekeeping Force.¹⁶⁰ A 2006 Eastern Sudan Peace Agreement required the provision of maps of mined areas.¹⁶¹ A previous 1997 Peace Agreement between the Government of Sudan and five armed groups required the setting up of a council which would remove mines.¹⁶²

The 2004 CPA contains many of the UNMAS suggested obligations including the exchange of information, mine clearance, information on stockpiles and international cooperation. It also contained a prohibition on new use. One of the reasons that the obligations may have been more complete than for several other agreements reviewed in this dissertation is that mine action by both the Khartoum government and the SPLM/A predated the peace agreement. Political will to achieve mine clearance was high and mine clearance had been a confidence building measure between the two sides which helped build the trust necessary to negotiate the CPA. This activity had the support of UNMAS.¹⁶³ Since 2004, both sides have cooperated with the United Nations Mine Action Office, which assists independent mine action centers in the north and south of the country. However maps of mined areas did not exist in many cases and were unable to be turned over to UNMAO. Current mine impact survey teams state they did not see much in the way of marking of mined areas prior to their arrival.¹⁶⁴ None-the-less, the basis for a comprehensive clearance program now ongoing were facilitated or formalized by the CPA.

Summary and Observations- Internal Armed Conflicts

Within these fifteen situations of internal armed conflict, only one of them, Kosovo,

of mines, explosive devices or booby traps of whatever type shall be prohibited; 8.6.2. The Parties and forces under their control shall promptly provide on D - day to the Ceasefire Joint Military Committee (CJMC) all known information concerning the locations and descriptions of all minefields, unexploded ordnance, demolitions, booby traps and any other physical or military hazards which could affect the safe movement of persons, within the ceasefire zones. The Parties shall also promptly produce a plan to mark and signpost any danger areas and initiate this plan according to agreed priorities; The Parties shall allow and facilitate cross-line de-mining activities, the repair and reopening of roads and the removal, dismantling or destruction of mines, unexploded ordnance and all other such hazards as described above immediately upon the signature of this agreement; 8.6.3. The Parties and forces under their control shall promptly provide to the CJMC information concerning the stockpiles of Anti Personal Mines; 8.6.4. The Parties shall conduct de-mining activities as soon as possible, and in coordination with the UN Peace Support Mission with a view to create the conditions necessary for deployment of the UN Peace Support Mission and the return of displaced populations; 8.6.5. The UN Peace Support Mission, in conjunction with United Nations Mine Action Office, will assist the Parties' de-mining efforts by providing technical advice and coordination. The Parties shall, as necessary, seek additional de-mining assistance and advice from the UN Peace Support Mission; 8.6.6 The Parties shall establish by D Day + 30 Days two demining authorities (Northern and Southern) that shall work together and coordinate their de-mining activities and to work jointly in close cooperation with UN Mine Action Office; 9. Permitted Activities: 9.1. De-mining and decommissioning of military hazards (this shall be done in collaboration with other bodies referred to in 8.6 herein, according to agreed timetables and mechanisms, and under UN monitoring); 14.6. Ceasefire Joint Military Committee (CJMC): 14.6.5. The CJMC shall have the following functions: 14.6.5.12. Supervision of demining activities, decommissioning of unexploded ordnance and other form of military hazard

¹⁶⁰ Darfur Peace Agreement, Article 24, Prohibited Activities, 226. In light of the existing ceasefire agreements, the Parties shall scrupulously refrain from the following activities: (a) All attacks against the members and locations of another Party, including acts of sabotage, hostage-taking, detention, laying of mines and seizure of property and materiel belonging to another Party. Implementation Timelines for Comprehensive Ceasefire and Final Security Arrangements, Serial (a) 2. Parties to provide mine field locations to AU Mediation.

¹⁶¹ Eastern Sudan Peace Agreement, 19 June 2006, Appendix A, Implementation Timeline for Comprehensive Ceasefire and Final Security Arrangements, 18. Identification and handing over maps of mines to the joint committee

¹⁶² 1997 Peace Agreement, Khartoum, 21 April 1997. Between the Government of Sudan and The South Sudan United Democratic Salvation Front (UDSF) comprising: The South Sudan Independence Movement (SSIM) and the Union of Sudan African Parties (USAP); and the Sudan People's Liberation Movement (SPLM); the Equatoria Defence Force (EDF); and the South Sudan Independents Group (SSIG). Chapter Four. 6. The Interim Period. iii. The Coordinating Council shall carry out the following activities during the interim period: 3. To remove effects of war by clearing mine fields, opening tip roads and waterways.

¹⁶³ Kristian Berg Harpviken & Rebecca Roberts, ed. Preparing the Ground for Peace: Mine Action in Support of Peacebuilding, International Peace Research Institute, Oslo, 2004. Chapter 2. p. 11.

¹⁶⁴ Interview with Frederic Maio, Programme Manager, North Sudan, Mines Advisory Group, Khartoum, Sudan, 20 June 2008.

required a ban of mine use. However, this was a part of a requirement for the dissolution of the organization, which prohibited the possession of mines as well as all other weapons.

As observed in the previous section regarding international armed conflicts, it may be too much to expect the permanent surrender of a weapon during a ceasefire because the conflict phase is still near and there will not yet be much trust in the process. Just over half of the agreements related to internal armed conflicts, eight of the 15, specified a halt on any new use of landmines.¹⁶⁵ A specified halt in new use is more achievable than a permanent ban within a ceasefire, and the lack of it in the other ceasefire agreements is likely to represent an oversight rather than a difficulty.

Within internal armed conflicts, unlike international ones, one or more of the combatant forces is usually fully demobilized, disbanded or integrated into the existing national forces. Therefore it is reasonable to expect that more of the agreements would specify stockpiles of mines than in the case of interstate conflicts, however, this was the case in only four states. El Salvador was perhaps the best example which required that inventories of mines held anywhere in the country to be handed over to UN observers within a specified time. It then required movement of all mines to specified arsenals and checking of inventories against stocks within the arsenal by the UN. In Guatemala the URNG was required to turn its mines to the UN, as was the CPN-M in Nepal. In Kosovo, the KLA was required to turn in mines to NATO forces as a part of its total disarmament. The situation regarding mine stocks held by the SPLM/A in Sudan were governed by the Mine Ban Treaty, since the Government was already a party to the Mine Ban Treaty at the time that the SPLM/A became a part of the government under the Comprehensive Peace Agreement. Similarly Burundi had become a party to the MBT in 2003, and rebel groups which signed agreements with the government after that date turned in their mine stocks to the national stockpile which accounted for them and scheduled their destruction.¹⁶⁶ In the other situations within intrastate conflicts it is assumed that the mine stocks held by opposition armed forces were turned in, with other weapons, during demobilization and became a part of the national stockpile, but no further public documentation on this is available in the other cases.

Nine out of 15 agreements related to internal armed conflict specified an obligation for mine clearance.¹⁶⁷ However, clearance requirements were sometimes selective, as in Croatia, where only the Zone of Separation was required cleared under the agreement, and Nicaragua, where the agreement only covered a limited area of the country. Unreasonable timelines were concluded in some cases. In Kosovo the KLA was expected to remove their mines within seven days, Nepal, all parties had a 60 day deadline for nationwide clearance. Unreasonable clearance deadlines probably indicate that inadequate resources will be made available to complete the clearance, since the scope of the problem has already been underestimated. It will also put the parties in the position of automatic violation of their agreement. The full extent of mine contamination may not be available to the authors of these agreements, but assigning starting dates rather than proclaiming clearance deadlines makes more sense. This approach was only taken in Bosnia-Herzegovina.

None-the-less, the clearance of mines is the most common, mine related, obligation. Several agreements frame the requirement for clearance as a humanitarian imperative. In Guatemala it was framed as an action undertaken out of concern for, “the security of those who are being resettled or who live in the zones”. In Sudan, clearance was required “create the conditions necessary for deployment of the UN Peace Support Mission and

¹⁶⁵ Bosnia and Herzegovina, Burundi, Democratic Republic of Congo, El Salvador, Mozambique, Nepal, the Philippines and Sudan.

¹⁶⁶ Landmine Monitor Report 2005, p. 198.

¹⁶⁷ Bosnia and Herzegovina, Cambodia, Croatia, El Salvador, Guatemala, Mozambique, Nepal, Serbia (Kosovo) and Sudan.

the return of displaced populations”, and in Angola mine clearance was done for “the Angolan people.” Framing mine clearance as a positive contribution rather than as a command is important, as it allows the actors to know they will be engage in a positive action, and making a contribution toward a durable peace and the well being of the people.

Eight out of 15 countries required the provision of technical information on mine placement,¹⁶⁸ in four cases with maps.¹⁶⁹ Usually information or maps were handed over to the UN, but sometimes a joint commission.¹⁷⁰ As noted earlier regarding international armed conflict, designation of the UN as the party to receive shared information is common. Senegal was the only case where information was to be given to a national entity, and it did not take place, but whether for the reason that it was not a third party or because no further negotiations on peace have taken place is not known. If the agreement specifies a third party, then it seems wise to make them the repository of this information. None-the-less, this information is frequently not available because it was lost or never kept during the armed conflict.

Five agreements required marking of mined areas and only one required fencing.¹⁷¹ In all countries where marking was required, sharing of information and clearance were also required. It is surprising that this is not included in more agreements, and the lack of it

Chart 3. Mine action obligations within agreements - internal conflicts.

Countries with landmine contamination	Agreement			Obligations							UN Mission involvement	
	Ceasefire	Peace Accord	Other	Exchange of Information	Marking & Clearance	Risk Education	Victim Assistance	Ban on use, transfer & production	stockpile destruction	international cooperation		Other
Angola												
Bosnia-Herzegovina												
Burundi												
Cambodia												
Croatia												
DR Congo												
El Salvador												
Guatemala												
Mozambique												
Nepal												
Nicaragua												
Philippines												
Senegal												
Serbia												
<i>Kosovo</i>												
Sudan												
			Obligation				Partial					

168 Angola, Cambodia, El Salvador, Guatemala, Nepal, Senegal, Serbia and Sudan.

169 Burundi, Guatemala, Nepal and Sudan.

170 Information was handed over to the UN in Angola, Cambodia, El Salvador, Guatemala, Nepal and Serbia. In Senegal it was to be delivered to a specified national entity, and in Sudan it was to be handed over to a joint commission specified under the CPA.

171 Bosnia and Herzegovina, Burundi, Nepal and Serbia required marking, Sudan both marking and fencing.

is probably due to ignorance of mine action measures rather than hostility to the action. Fencing was required least. Negotiators may believe that if clearance is required, why bother fencing them? The lack of a fencing obligation is likely to indicate mine action ignorance, however it takes much longer to clear than to fence, and for the safety of the population it should be undertaken first. This is also a safety issue for mine clearance teams themselves.

As was clear for international armed conflicts, there is a need for political will to genuinely follow through with the commitments within these agreements. It is not surprising that the least action on obligations took place in the countries with the least resolution to the conflict. The clearest case of this would be Serbia (Kosovo), where the agreement was imposed, not negotiated. Contrasting this was El Salvador, where there was a high degree of involvement in agreement, and the parties went beyond what was called for in the agreement by developing a joint commission made up of former combatant officers of both sides to coordinate nationwide mine action. The role of intervening parties to support and encourage the development of political will is clearly also important. In Nepal, when it became clear that the UNMIN would take longer to deploy than the parties felt was healthy for the peace process, the government, CPN-M and the UN sat down together and came up with an interim solution (an Interim Task Force made up of Nepali speaking retired Indian Gurkha officers) which phased out as UNMIN staff arrived.¹⁷² This was not required by the agreements which were bi-laterally negotiated, but showed a high level of political will.

Conclusions

In all conflicts examined in this report mine use stopped when the conflict genuinely halted. In cases where a halt in mine use was requested in agreements which were concluded before an end of the actual conflict, such as the 1991 Accord in Angola, or the 1994 Ceasefire in the DRC, this stipulation was ignored until conflict truly ended. A halt in mine use is dependent on the status of the conflict, not what was written in an agreement.

In conflicts in which the former combatants showed commitment to the comprehensive solution within their agreement, such as in El Salvador or Guatemala, no known further use of mines took place. Several of the conflicts contained within this report remain unresolved, such as Kosovo, where despite a ban on possession or use of mines for the KLA, some of its members were found later to have used mines against Serbian enclaves within Kosovo.

Despite the lack of inclusion of a Ban within the final peace agreement, most of the countries within this survey joined the Mine Ban Treaty once armed conflict halted. (see Chart 4). Neither Morocco with its unresolved conflict with Western Sahara, and Georgia with its unresolved conflict with Abkhazia, have joined the Mine Ban Treaty. Some other factors surely influence this decision, such as the likelihood of resumption of armed conflict, and how it will be waged. However, only a little more than a third (38%) of the countries surveyed in this report specified a halt in new mine use, or made mine use a violation of the ceasefire. It is extremely important that this be done within a ceasefire agreement, because use of landmines is believed by the military to be a defensive activity and usually some maintenance of outposts, checkpoints and defenses is allowed under ceasefire protocols. For this reason it is important to specify new mine use as an *act of aggression*, or prohibited act, within a ceasefire. Since this does not prohibit the parties from returning to mine warfare should the agreement fail, it should not be too difficult for the negotiators to obtain.

80% of all the agreements examined in this report contained an obligation for mine clearance [see Chart 4], making this the most common obligation to be found in these

¹⁷² Special Report: Interim Task Force, United Nations Mission in Nepal. [undated] www.unmin.org.np

documents. Mine clearance continues to take place in almost all of these countries.¹⁷³ There is a need to assure adequate resources for a long term commitment are made available. Unrealistic mandated completion dates found in some agreements demonstrates a woeful lack of ability to grasp the seriousness of the situation.

30% of the agreements requested assistance in mine action from the United Nations, but virtually all have required it.¹⁷⁴ Making a specific request within the peace agreement will strengthen any later UN assistance, because instead of voluntary cooperation the parties will be obligated to cooperate. Additionally, most states emerging from

Chart 4: Summary of obligations found within agreements by State

	Intrastate	Interstate	Ban	Prohibition on new use 38%	Exchange of technical information 46%	Provide maps of mined areas 23%	Fence mined areas 11%	Mark mined areas 30%	Clearance Selective or Comprehensive 80%	Provide Victim Assistance 0%	Delegates mine action to a commission 11%	Requests UN assistance for mine action 30%	Prohibits interference in mine clearance	Required information on mine stocks 15%	Now a State Party to the Mine Ban Treaty
Chad									S45 D						
Libya									S45 D						
Eritrea									S						
Ethiopia									S						
Iran									?						
Iraq									?						
Morocco									S						
W Sahara									S						
Abkhazia									C						
Georgia									C						
Angola															
Bosnia-Herzegovina									C						
Burundi															
Cambodia									C						
Croatia									S						
DR Congo															
El Salvador									C						
Guatemala									C						
Mozambique									C						
Nepal									C60 D						
Nicaragua									S						
Philippines															
Senegal															
Serbia									C						
Kosovo									C 7 D						
Sudan									C						

173 Only Guatemala and El Salvador were able to finish their comprehensive clearance programs. The Philippines never had widespread contamination.

174 Four conflicts: Chad-Libya, Nicaragua, the Philippines and Senegal have not had United Nations assistance for mine action. UN mission in Kosovo does not have a military component, as these functions are handled by NATO. The UN mission in Bosnia and Herzegovina halted in 2002 and NATO has maintained its presence there.

armed conflict are unlikely to have the financial resources in the near term to sustain a comprehensive mine clearance program. A request for UN assistance within the peace agreement will assist the UN in raising the urgent funds necessary to support this element of the peace process.

The most glaring lack within all agreements surveyed is any obligation to undertake victim assistance. Not a single agreement found in this survey included victim assistance. Risk education to prevent victims, was only mentioned in two agreements. The lack of specific inclusion of victim assistance may be due to a belief that these needs will be served by the existing health system. Limb loss, extensive shrapnel wounds, blood loss, likely damage to multiple internal organs, are common to mine injuries, and pose an enormous burden on health facilities which are already war devastated. Those who survive a mine injury will require long term rehabilitation, both physical and possibly vocational.¹⁷⁵ Artificial limbs are expensive and need periodic maintenance and replacement. If there are likely to be many mine victims in a country, plans for a special program should be mobilized and international support will probably be necessary.

Rethinking Guidelines for Mine Action in Ceasefires and Peace Accords

The UNMAS guidelines list the full spectrum of mine action activities for inclusion in ceasefires and peace agreements, but after providing the list, offer no further guidance. This has some wisdom, since it was discovered through research for this report that agreements are frequently arrived at over long periods of time and that there is little similarity between what they include as issues such as the return of refugees, resource or minority rights, or reparations. How they include these issues can be very different as well, ie as a separate implementation protocols, within the body of text, within themes in an agreement. No coherence was discovered in how or where mine action obligations were placed in an agreements. To be charitable, this undoubtedly reflects the difficulty for the negotiators who are under enormous pressure and expectations while they pursue a task they have probably never been required to do before. In the end, however, human beings have to live with these oversights, partial inclusions or poorly informed proposals. That there is a growing number of consultants made available to negotiators is evident from the increasing sophistication and comprehensiveness of agreements after the mid-1990s.¹⁷⁶

Some of the UNMAS guidelines need to be looked at more carefully. Is it realistic to request maps or specific references in many conflicts? The author was informed several times during interviews made for this dissertation that maps of mined areas disappeared during battles, or were never kept, or the people who knew where the mines were died during the conflict and the information was unavailable after the conflict to assist in demining.¹⁷⁷ Maps are in the possession of commanders, not the ordinary foot soldier. A focus on maps means dependence on the top level of the military and ignores the contribution which could be made by the individual combatant. It is surprising to the author that surrender of minefield information is not a part of disarmament in disarmament programs, which were implemented at the end of most internal armed conflicts. During research for this report the author asked Khem Sophoan, the Director General of the Cambodian Mine Action Centre, himself a former rebel commander, if a survey of mine field information known to disarming combatants would have helped

¹⁷⁵ Guidance on Data Collection for Victims of Landmines, World Health Organization, WHO/NMH/PVI/00.2, 2000, p.

¹⁷⁶ While not the focus of this dissertation, the author has noticed that there is an increasing trend to develop many additional implementation protocols to a peace agreement, to cover specific details of agreements, such as return of refugees, sharing of resources, local government, etc. In current negotiations between Uganda and the Lords Resistance Army almost a dozen different implementation agreements have been negotiated over a one year period which will collectively comprise the final peace agreement.

¹⁷⁷ Frederic Maio, Programme Manager, North Sudan, Mines Advisory Group, Khartoum, Sudan, 20 June 2008, also Mrs. Balbina Malheiros da Silva, National Programme Coordinator, Angolan Presidential Commission, 5 June 2008, Geneva, also Loren Persi, Landmine Monitor Editor for the Balkans, 5 June 2008, Geneva.

Cambodia's mine action activities. He responded immediately that this would have been an asset, but that it did not happen. He also noted that he had received no order to tell his soldiers to provide this type of information during demobilization.¹⁷⁸ The author also asked the person in charge of policy and planning for DDR at the UN about their policy on this. He stated to me that their policy was not to ask questions, in particular he says it would increase the suspicion of former combatants that the information would be used against them, and that they would be tried for crimes. This makes perfect sense, however, I suggested rather than asking 'Where did you lay mines' they should consider asking "Do you know where any mined areas are". In this way it would not be necessary to request who laid them. The response was "this would be possible, and it has never occurred to us!"¹⁷⁹

When accurate maps are not available, or of questionable accuracy, a requirement within DDR programs for the surrender of mined areas information by disarming combatants should be considered. Disarmament is organized by either UNDP, or the Department of Peacekeeping Operations and DDR programs are now expected to follow the Integrated DDR Standards. The IDDRS only call for standby capacity for mine clearance to assure sites for disarmament and demobilization are mine free, but does not make any further recommendations on the integration of mine action into DDR programs. This is a lost opportunity.

In addition to adding mine action obligations, to the appropriate agreement, at the appropriate time, framing implementation should be given some attention since it will contribute to the way mine action is approached by the parties. In most instances where mine action has been added to the agreements collected within this survey, it is usually in the form of a command. In Guatemala a different approach was taken by framing the desire for the parties to undertake mine clearance as a human security need. In the agreement it states: "*Concerned about the security of those who are being resettled or who live in the zones affected by the conflict, the Parties recognize the urgent need to remove all types of mines or explosive devices buried or abandoned in these areas, and they commit themselves to cooperate fully in these activities.*"¹⁸⁰ An even better approach, in the author's opinion, would be to frame it as a contribution to the lasting peace, as it allows the parties to immediately embark on a positive action.

In the introduction it was noted that the removal of mines was a priority to fully establish peace. Conversely overlooking the need for immediately engaging in mine clearance would almost certainly be harmful to the establishment or maintenance of the peace. The peace building, or conflict prevention, nature of mine clearance is not stressed by UNMAS, or other literature on the organization of mine action, but the following instance made it clear to the author. Iran's heaviest mine contamination is in areas close to the Iraqi border, which is the traditional home to the Iranian Ahwazi community. Ahwazi's are Arabs and in culture and custom closer to Iraq than the Persian culture of Tehran. An Ahwazi activist informed the author that many Ahwazi believe their lands have remained uncleared for deliberate reasons - to keep the Ahwazi people undeveloped. They complain that when foreign oil companies come to drill for oil in Ahwazi areas of Iran, they hire commercial firms to demine the drilling area, but nothing more, and that the Iranian Army has not been seen demining the area.¹⁸¹ Their perception may or may not be correct. None-the-less it has led to resentment and young people are now being attracted to armed struggle against Tehran, and lack of clearance and the deprivation of land that it causes is just one more cause for resentment. The lack of mine clearance is

178 Lt. Gen. Khem Sophoan, Director General, Cambodian Mine Action Centre, 4 March 2008, Phnom Penh

179 Interview with Simon Yazgi, Policy & Planning Officer, DDR Section, Department of Peacekeeping Operations, 17 July 2008, New York.

180 Agreement on the Resettlement of Population Groups Uprooted by the Armed Conflict, 17 June 1994, see section on Guatemala.

181 Interview with Karim Abdian, Executive Director, Ahwaz Human Rights Organization, 29 October 2006, Taipei.

not a root cause of the disharmony between the Ahwazi of Iran and the Government, but swifter clearance would have eliminated at least this cause of resentment and removed some of the poverty the mines have caused by displacement.¹⁸²

This survey set out to determine if a common approach could be distilled from previous experience of the inclusion of mine action obligations in end of conflict agreements. It has been hampered somewhat by the small number of such agreements available. After reflection of the conflicts included within this brief survey it appears that a willingness to address the many conditions which caused or sustained the war, in a comprehensive way, including mine action, may only come about when there is a readiness by the parties to move beyond conflict. Most often, the end of armed conflict has solely meant that the conflict changed forms rather than ended.

The actions taken under the minimal obligations within ceasefire agreements and peace accords reviewed in this survey have not usually assisted greatly in mine action. When mine use halted, it was not because it was suggested in a ceasefire. It was because the armed conflict phase was genuinely over. In those armed conflicts which are on hold, the mine action obligations in their agreements have provided dubious contributions at most. In those situations where there was strong political will, the actors went beyond the obligations on paper and developed what was needed to solve the problem. At best, it can be said that inclusion of the mine action obligations has helped start mine action, but comprehensive action has required external assistance, usually from the United Nations.

¹⁸² Also see Chapter 5, Conclusions, in Kristian Berg Harpviken & Rebecca Roberts, ed. *Preparing the Ground for Peace: Mine Action in Support of Peacebuilding*, International Peace Research Institute, Oslo, 2004.

A Framework for including Mine Action in Ceasefires and Peace Accords

Based on observations and understandings gained during research for this report inclusion of mine action within peace agreements should be structured according to the period of activity within a peace process, as some activities appear more appropriate, or achievable, at different phases of a peace process.

Ceasefire period

New use of mines should be specified as an act of aggression or ceasefire violation. Transfer and acquisition of mines, other than during clearance, should be a specified prohibition during the ceasefire period.

Marking and fencing of all mined areas should commence during the ceasefire period. Observers from each side should be included in a monitoring initiative as a confidence building measure.

Where possible, mine clearance in non-sensitive areas should be encouraged as a confidence and peace building measure.

Interference with mine clearance should be specified as a prohibited act within the ceasefire.

Peace Accord period

Negotiated accord should include a comprehensive ban on the use, acquisition and production of mines by all parties to the conflict.

Implementation document negotiated with peace accord should require the following:

1. An inventory of all mine stocks be presented to the United Nations, or if that is not possible, a joint commission which contains a neutral observer.
2. A near term schedule for commencing the destruction of mine stocks and provisions for prior safe storage should be detailed.
3. At the soonest possible time, it should be determined what the state of knowledge is about the placement of mines during the conflict. If maps exist, they should be presented at the soonest possible time to the United Nations, or if that is not possible a joint commission which contains a neutral observer.

Implementation Protocol

A specific implementation agreement covering mine action should be concluded to assure comprehensiveness. This protocol should include provisions for a non-military national mine action authority and a schedule for required resources necessary to clear mines within the shortest possible but realistic time frame. Provision for comprehensive victim assistance should rest with this authority in the short term. Legislation or a decree covering these responsibilities, and possibly including penal sanctions for a violation of use, should be required. All mine action activities within the implementation protocol should be framed as peace building actions.

Disarmament Program

As combatants are cantoned and relieved of their weapons, information on areas mined, by any side, should be collected. This information will form the basis for a national mine impact survey.

United Nations

The UN should integrate comprehensive mine action support into the International DDR Standards.

The UN should make available an implementation unit which can provide recommendations to negotiators with country specific information to assist in both the inclusion of mine action within peace processes in an appropriate and consistent way, while simultaneously engaging the parties to mobilize adequate political will to ensure implementation.

Definitions¹⁸³

Ceasefire An agreement which organizes the halt of specified military activities at a given time and place. Within this report only bi-lateral/nationwide ceasefires between the parties to the conflict are included. Unilateral ceasefires, armistices and truces are not included. Bi-lateral ceasefires which may not have directly preceded the final peace agreement are included. ‘Ceasefire’ and ‘Cessation of Hostilities’ agreements are used interchangeably.

Peace agreement A formal, public, legal agreement which ends an armed conflict between two or more belligerent groups. The peace agreement sets forth the terms of the peace to which the parties agree to abide. The agreement may be interstate (between two or more states) or intrastate (between a government and one or more non-state organizations).

Implementing Protocol An implementing protocol is an additional document which is specifically referred to within a peace agreement text or an addendum to it. It will usually detail specific obligations to be fulfilled, the actors and resources necessary and frequently includes a timetable. Several additional implementing protocols may be attached to a peace agreement, sometimes clustered by theme, such as political protocols, military protocols, reconstruction protocols, protocols on the return of refugees, etc.

Military Agreement An agreement between military parties, usually, but not always, within the framework of a peace agreement. Military agreements are frequently concluded between a conflicting combatant group and a neutral force such as a United Nations Peacekeeping Operation. Military agreements will usually cover matters considered to be solely the domain of armed forces. They may be concluded without the political or social issues being addressed.

Interstate war An armed conflict where the military forces of more than one state are involved.

Intrastate war Or civil war, is an armed conflict within a states boundaries with more than one combatant group.

Confidence Building Measure [CBM] An action, activity or part of an agreement designed to create trust.

Mine Ban The total prohibition on the use, stockpiling, production and trade of antipersonnel mines.¹⁸⁴

Mine Action Within this report, mine action will refer solely to activities which remove the dangers of mines, such as a survey to determine the extent of mined or dangerous areas, fencing of mined or dangerous areas to prohibit access by the public and the emplacement of clear warning signs, and the final removal, or clearance, of mines from the ground. It also includes the demilitarization of mines held within stockpiles and programs of risk education (see below).¹⁸⁵

Risk Education[RE] Also known as Mine Risk Awareness or Mine Risk Education refers to a social outreach program designed to reduce the risk of injury from mines by promoting behavioral change through public-information campaigns in mine affected communities.¹⁸⁶

¹⁸³ Unless otherwise noted, the definitions are my own and for use within this dissertation. I am grateful to a number of sources, in particular the UN Peacemaker website, which has its own interpretations of these terms, the Peace Agreement Drafter’s Handbook by the Public International Law and Policy Group and “From War to Peace” Nonviolence International, Bangkok, December 2002.

¹⁸⁴ See the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, 18 September 1997, Article 1: General Obligations.

¹⁸⁵ The United Nations Mine Action Service includes advocacy for a landmine ban and victim assistance within the concept of Mine Action, however, the International Campaign to Ban Landmines (ICBL) considers these to be separate activities. The author agrees with the ICBL and does not include either advocacy or victim assistance as a part of mine action within this dissertation. (See also UNMAS under General Findings within this dissertation).

¹⁸⁶ E-MINE, Electronic Mine Information Network, United Nations Mine Action Service, www.mineaction.org

Fencing & Marking Areas of landmine contamination (also known as Dangerous Areas or Hazardous Areas) are required by existing international law to be fenced and marked. Fencing is a physical barrier which prohibits access by humans. Marking refers to signs which alert the viewer to the presence of deadly dangers, which can be universally understood and which are displayed in adequate numbers to always be visible when approaching the dangerous area. A symbol should be used in areas of illiteracy or multiple languages, and the meaning of the symbol should be a part of Risk Education programs. For the Mine Ban Treaty, fencing and marking are temporary measures until the mines can be permanently removed.

Landmine Impact Surveys A landmine impact survey is a nationwide survey which identifies all known areas of mine contamination, and contamination by other explosive remnants of war (ERW- unexploded bombs and other ordinance remaining from battles, also abandoned ammunition). The resulting data is broken down by the administrative regions of the country giving the exact geographic location of the contamination, the type of explosive hazard and an analysis of the social/economic impacts experienced by nearby communities (frequency of casualties due to this contamination also numbers of people displaced from agricultural areas or denied use of resources such as wells and lakes or infrastructure such as schools or roads).

Mine Clearance The permanent and complete removal of mines, and all other explosive hazards, from an area. Humanitarian Mine Clearance requires a high standard of verification that all hazards to human beings have been completely removed. International Mine Action Standards (IMAS) govern humanitarian mine clearance programs.¹⁸⁷

Disarmament, Demobilization & Reintegration (DDR) The United Nations states that the aim of DDR programs is: “to deal with the post-conflict security problem that arises when ex-combatants are left without livelihoods or support networks, other than their former comrades, during the vital transition period from conflict to peace and development.”¹⁸⁸ DDR is usually incorporated as a phase of peace agreements in which former combatants are gathered together, registered, disarmed, and then prepared for life in civilian society through a combination of educational, financial and material assistance. The United Nations has recently developed DDR Standards.¹⁸⁹

Antipersonnel Mines Sometimes referred to as mines or landmines. An antipersonnel mine “means a mine designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons.”¹⁹⁰ Antipersonnel mines, only, are the subject of the 1997 Mine Ban Treaty. They are objected to due to the *indiscriminate* nature of the weapon which has been shown to disproportionately injure and kill civilians after wars (the Geneva Conventions require combatants to distinguish between civilians and military targets, landmines do not allow for this prohibition to be followed). An antipersonnel mine is activated by its victim, and the International Campaign to Ban Landmines argues that any weapon which is ‘victim activated’ is covered by the Treaty.

The *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction* of 1997 is commonly known as the Mine Ban Treaty (MBT).

187 International Mine Action Standards, UNMAS. IMAS includes standard operating procedures for mine clearance, marking, risk education and the destruction of stockpiles of antipersonnel mines. www.mineactionstandards.org/imas.htm

188 From, “What is DDR?”, United Nations Disarmament, Demobilization and Reintegration Resource Center. www.unddr.org

189 Integrated Disarmament, Demobilization and Reintegration Standards, United Nations, www.unddr.org/iddrs/

190 See the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, 18 September 1997, Article 2: Definitions.

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The sole document specifically addressing the inclusion of mine action within ceasefires and peace accords is the three page UNMAS Guide mentioned above.¹⁹¹

The Landmine Monitor Annual Reports, 1999-2007 were examined for historical information on the development of mine contamination within each of the countries covered in this dissertation as well as subsequent mine action activities.

The Peace Agreement Drafter's Handbook made available by the Public International Law and Policy Group (PILPG) presents few suggestions related to integration of mine action into peace agreements.¹⁹²

The United Nations Development Program is the focal point for DDR within the UN. Public reports on disarmament programs run by UNDP were examined for information they could provide on mine action implementation within the countries under review.¹⁹³

The Non-State Actors Working Group of the International Campaign to Ban Landmines produced a list of three bi-lateral agreements and nine unilateral statements by non-state entities during armed conflict, some of which were later reproduced in ceasefires, but offer no analysis of their content or implementation.

The United Nations Department of Peacekeeping Operations maintains public information on the internet on all current and past peacekeeping operations. Within the sites for current operations are links to reports to the Secretary General about the operations. These reports include information about actions taken to support specific peace processes, including mine action. These were also consulted although they rarely made assessments of the fulfillment of obligations by the actors.

The strengths and weaknesses of certain peace processes and associated ceasefires has been undertaken by Conciliation Resources ACCORD project. This project has covered seventeen countries/conflicts to date, eleven of which suffered from mine warfare. However, mine ban or mine action elements of the peace accords is not analysed in any detail within those projects. The other repositories of peace accord texts do not offer the comprehensiveness of Conciliation Resources, and none of them provide an analysis of the mine ban or mine action content or implementation

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[Angola] Luena Memorandum of Understanding (or Addendum to the Lusaka Protocol for the Cessation of Hostilities and the Resolution of the Outstanding Military Issues under the Lusaka Protocol), agreement between the Government of Angola and UNITA, 4 April 2002. Luena, Moxico, Angola.

[Bosnia-Herzegovia] General Framework Agreement for Peace (Dayton Agreement), 14 December 1995.

[Burundi] Arusha Peace and Reconciliation Agreement, 28 August 2000.

[Burundi] Ceasefire Agreement between the Transitional Government of Burundi and the Conseil national pour la défense de la démocratie-Forces pour la défense de la

¹⁹¹ Mine Action Guidelines for Ceasefires and Peace Accord, UNMAS, 2003. An annex includes text from seven ceasefire agreements or peace agreements between 1991 and 2000 but offers no comparative analysis of the content.

¹⁹² Peace Agreement Drafter's Handbook, Public International Law and Policy Group, undated but available on the internet at: <http://www.publicinternationallaw.org/areas/peacebuilding/peacehandbook/index.html> The handbook contains example text from three mine affected countries related to ceasefire agreements and disarmament, demobilization and reintegration programmes, as well as model language for the same.

¹⁹³ Integrated Disarmament, Demobilization and Reintegration Standards, United Nations development Program, 2006, available online at: <http://unddr.org/iddrs/>

démocratique.

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Yeshua Moser-Puangsuwan has been active with the campaign to ban landmines since 1995.

He is a co-founder of the Thailand Campaign to Ban Landmines.

He has conducted the research for the Landmine Monitor on Burma/Myanmar since 1998.

Since 2005 he has been the Landmine Monitor's Research Coordinator on Non-State Armed Groups and the Ban and Policy Research Editor for Asia and the Pacific. He works for Mines Action Canada.

Mine action - the clearance of land contaminated by landmines and associated activities - has been required in the majority of countries emerging from internal or international armed conflict in the past few decades. This report analyzes the effectiveness of twenty conflicts in which obligations to the former combatants to undertake mine action, have been included within ceasefire agreements or peace accords. Although guidelines for the provision of mine action in peace processes have been developed by the United Nations, few of their suggested obligations are found within peace agreements concluded in the past 3 decades. This report finds that a halt in mine use by belligerents remains dependent on a halt in actual armed conflict, not agreements. This report has also found that inclusion of mine action within bi-lateral agreements at the end of a war has had some value in launching mine action after conflict, but that comprehensive programs to address mine contamination, and its impact on human societies, remain dependent on the United Nations rather than former combatants.

